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ABSTRACT

This document contains several papers that were prepared for the 65th annual meeting of the Carnegie Foundation in November 1970. The first paper, "European Universities as Partisans" by Fritz Machlup, traces the slow development of the principle of the nonpartisan and doctrinally uncommitted university as a proper shield of individual academic freedom. This is followed by a statement expressing Machlup's opposition to collective partisanship on the part of university faculty. In "Institutional Neutrality: An Appraisal," Walter P. Metzger reviews the academic rationale for neutrality in American colleges and universities set forth in 1915 by Arthur Lovejoy. He also identifies some of the forces that are creating pressures on American institutions to modify this rationale. The last article, "The Socially Uninvolved University" by Richard H. Sullivan, organizes and extends some of the ideas that were expressed at the 1970 meeting. (AF)

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# Neutrality or Partisanship: A Dilemma of Academic Institutions

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# Neutrality or Partisanship: A Dilemma of Academic Institutions

Bulletin No. 34, 1971

*The Carnegie Foundation for the Advancement of Teaching*

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# FOREWORD

Since 1955, at their annual meetings each November, the trustees of the Carnegie Foundation have debated a topic of importance to higher education. Some of the foremost concerns of the day, including the flight from teaching, student values, and university public service, have been discussed by this uniquely constituted group of higher education leaders; and the resulting essays summarizing the discussions have been published in the foundation's annual reports.

At the 65th annual meeting on November 18, 1970, the subject for discussion was the university and social action, with special emphasis on the question of institutional neutrality. Institutions of higher learning are under mounting pressure, both from within and from without, to take official positions on controversial social and political issues. Multiple tensions have arisen between the concept of institutional "neutrality" in the interest of academic freedom and the claim that the university cannot be simultaneously "neutral" and "moral." Hitherto accepted policies and practices with respect to defense related research, investments, governance, and relations with the surrounding community are only some of the matters that have been called into question.

These and related issues were the focus of the 1970 meeting. To prepare for the discussions, several essays and other documents were submitted to the trustees in advance. Two of these were considered especially stimulating and, rather than wait a full year for the annual report summary, it was decided, with the authors' permission, to publish them in this bulletin.

In "European Universities as Partisans," Professor Fritz Machlup traces the slow development of the principle of the nonpartisan and doctrinally uncommitted university as a proper shield of individual academic freedom. This is followed by a statement of Professor Machlup's own opposition to collective partisanship on the part of university faculty, written in February 1970 and published here for the first time.

In "Institutional Neutrality: An Appraisal," Professor Walter P. Metzger reviews the academic rationale for neutrality in American colleges and universities so powerfully and influentially set forth in 1915 by Arthur Lovejoy. He identifies some of the forces which are creating pressures on our institutions to modify this rationale.

A fourth article, "The Socially Involved University," was written by Richard H. Sullivan, assistant to the president of Carnegie Corporation, who was present at the 1970 trustees' meeting by invitation. He has organized and extended a selection of the ideas expressed in the discussion.

The essays in this bulletin are not intended to offer a single set of conclusions about what the college or university stance should be today. It is hoped, however, that they will illuminate some of the critical questions on which professors differ with professors, students with students, trustees with trustees, administrators with administrators, and all four on various campuses with each other.

*President*

FRITZ MACHLUP

# EUROPEAN UNIVERSITIES AS PARTISANS

Most of the leaders of institutions of higher education in Western countries now recognize the principle of institutional neutrality as a precept of practical academic wisdom if not also as one of the moral norms of academic freedom. This principle is of relatively recent origin in the long history of higher education. We have known universities for a thousand years, academic autonomy for eight hundred years, freedom from doctrinal commitment for four hundred years, and academic freedom for professors and students for almost two hundred years. Not until the nineteenth century do we find suggestions of disavowal of institutional partisanship, and only in the twentieth is institutional neutrality formulated as a principle of academic good behavior.

Thus, in European universities there is virtually no history of neutrality but a very full history of partisanship. Enlightenment on this score came so very late perhaps because professors learn slowly, or perhaps because the church and the state, which for the better part of a thousand years controlled, dominated, or at least financed the universities, could not refrain from using the universities as expositors and propagandists of the revealed truth, the dogmas, tenets, and values upheld by the authorities.

From its very beginnings until early in the 20th century, the history of the university is largely an account of a running battle between domination of the university by papal, episcopal, imperial, royal, ducal, municipal, or corporate authorities, and its

independence from such outside powers. But no matter whether the university was under outside domination or free from it, it was almost never impartial. Whenever public conflict and controversies became politically important, the university became partisan; and the historical record speaks loudly and clearly of the dismal consequences.

*Who is "the University"?*

When historians tell us that a particular university did this or that, it is difficult for us to know just who made the decisions. At Oxford it could have been the Chancellor, the Vice Chancellor, the proctors, the Heads of the colleges, the Master, Provost, or Warden of a particular college, the ("Black") Congregation of the regents in arts, the ("Lesser") Congregation of the regent masters of all faculties, or the ("Great") Congregation of regents and nonregents[1] of all faculties. And these functionaries or bodies might have acted spontaneously and voluntarily or on order and under pressure of the Pope, the Archbishop, the King, the Parliament, a parliamentary committee, a royal court, an episcopal court, or the "Visitors" sent on particular occasions to conduct inquiries on behalf of the Crown.

In Germany "the university" may have been the Rector, the Prorector, the Dekan of a Faculty, the Curator or the Curatorium, the Senate, and perhaps one of several other bodies; and these officials or bodies may have acted on instructions from the King, the Prince or his ministers, particularly the Minister of Education.

Perhaps similar statements should be made about the Paris-type, the Bologna-type, and other types of university organization, but the essential idea would be the same: division of prerogatives, powers, and influence. With regard to a large number of universities one would have to emphasize the special role of the "nations"—

[1] "Nonregents" were those who had taken the master's degree but were not actively engaged in teaching—an "academic reserve army," so to speak. Their consent was required for certain actions.

privileged corporations of students from different countries or groups of countries. In some universities they had considerable influence on institutional actions.

The general public usually makes no distinctions between the different decision-makers and spokesmen of a university. Within a university the various officials and bodies may jealously guard their prerogatives, and each may resent actions and pronouncements of the others. Professors are often sensitive to administrative decrees, and both faculty and administration may be up in arms about edicts or pronouncements of the trustees or whatever the governing board may be called. Obversely, the governing board may take serious exception to actions or pronouncements of the faculties. In matters on which the university has to act in the course of its operations—say, its requirements for admission, examinations, and degrees, or its appointments and promotions—conflicts of jurisdiction may be serious; but when it comes to mere resolutions of sentiment, to pronouncements of positions for or against something that does not directly affect the operations of the institution, it is relatively unimportant which officials or academic bodies do the speaking: they *all* are out of order if the principle of institutional neutrality is accepted and obeyed. One might wish to know, of course, just who committed the indiscretion of placing the university on one side of a certain ideological cause, but the chroniclers or reporters are often silent on this question.

If I characterize such commitments as indiscretions, whether they occurred in 1339, 1555, or 1916, I am judging the past by values of the present. With this warning I shall embark on my task of presenting selections from the history of European universities that represent flagrant cases of ideological partisanship.

*Pre-Natal Commitments*

History records several instances where the commitment to an ideological cause was neither imposed on a reluctant university nor volunteered by its functionaries or faculties, but was the very pur-

pose of its establishment. Several universities were founded with the mission to propagate a religious faith or to combat infidelity and heresy.

The University of Toulouse, to mention an early instance, was founded in 1229 by a papal charter for the purpose of combatting and suppressing Albigensianism, which Rome had been fighting as a dangerous heresy. The suppression of Catharism was soon added to the assignment of the theologians of Toulouse. The strange thing about this university was that in its official invitation to students, issued in 1233, it professed and promised *libertas scholastica*. It was one of the earliest proclamations of academic freedom, though probably in name only.

The first Protestant university established for the express purpose of promoting a particular denomination was the University of Marburg, in 1527. It was designed as a bulwark of Lutheranism and built up out of the confiscation of the property of the Dominicans and other Catholic orders. In 1605 the formulary of faith was changed, by decree of the Hessian ruler, from Lutheran to Calvinist. Statistical records show a subsequent (and probably consequent) decline in students.

In 1558 the University of Jena was founded by the Elector of Saxony for the promotion of Evangelical Lutheran doctrines. This was supposed to make up for the loss of the University of Wittenberg, which the Phillipists, the disciples of Melanchthon, had taken over. In 1575 the University of Helmstedt was founded by the Duke of Brunswick-Wolfenbüttel, also for the dissemination of Lutheran tenets. This university, well known for a student body with a large contingent of nobility, was closed in 1809.

Another denominational institution was founded in 1607, the University of Giessen, again with a Lutheran mission. It was designed to compensate for the conversion of the University of Marburg into a school of Calvinistic doctrines and to give a haven to the Lutheran professors who left (or had to leave) Marburg.

I have not been able to establish the precise scope of freedom enjoyed, or lack of freedom suffered, by professors and students in these universities founded for the pursuit of definite religious aims. It is safe to assume that academic freedom as we know it did not exist in these or any other institutions of the period.[2]

*Religious Commitments, Imposed or Voluntary: 14th Century*

In the middle ages, a learned man was regularly a divine: learning and religious thought were almost identical, formal education was offered only in church-schools, most universities were founded by ecclesiastic functionaries and chartered by the Pope, and most teachers (*magistri*) were clerics. Thus the fact that universities were officially committed to the strict observance of a religious faith is not surprising. Still, since universities typically included faculties of law and medicine as well as a *studium generale*, it would have been conceivable that the propaganda of the faith and the enforcement of the articles of faith should be left to the theologians. This was not the case: the religious commitment was not confined to the doctors, masters, and scholars of theology but was a commitment of the university in its entirety.

This commitment was considered binding on all members of the university, and the historical record is crowded with acts by university authorities enforcing particular orthodoxies and punishing deviants for their heresies or other transgressions. Often the commitment was imposed upon the universities by the ecclesiastic or secular rulers, but sometimes it was a voluntary act of the university. In most instances the enforcement of certain articles of faith,

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[2] I may take this opportunity to recall that broadly conceived religious aims of an institution of higher education need not rule out a wide scope for freedom, including the freedom of expressing theological dissent. This was explicitly stated in 1969 by a Board of Inquiry of the Catholic University of America. Church-related institutions no longer need or desire the departures from the principles of academic freedom that were considered in the 1940 Statement of the AAC and the AAUP. (This footnote would not have been understood fifteen or twenty, let alone several hundred, years ago.)

or of ordinances peripheral to them, was an internal affair, without any pressure from the powers outside the institution.

It is noteworthy, in this context, that some religious interdicts were promulgated by the faculty of arts, not by the faculty of theology. In 1339 the Faculty of Arts at the University of Paris prohibited the reading of the works of Occam. William of Occam (alias Ockham), a Franciscan friar originally from Oxford University, had been expelled from Paris under a papal ban in 1330 and found refuge at the court of Louis of Bavaria. (Four years earlier, Louis had also given a haven to Dr. Marsilius of Padua, political philosopher and rector, when he had to flee from the University of Paris.) The action of the Faculty of Arts banning the reading of Occam's works was evidently in protest against Occam's demand that Logic be recognized as a branch of philosophy distinct and separate from theology. It started the heated controversy between nominalism and realism, a controversy that divided faculties for centuries and gave occasion to several manifestations of institutional partisanship.

Only a few years after the ban against Occam's works, the University of Paris progressed to a book burning. In 1346, on papal demand, the University deprived Nicholas of Autrecourt of his mastership of arts and, after burning his books on the grounds of the Faculty of Arts, compelled him to retract his philosophical errors in a solemn recantation before the assembled University.

Less zeal in the defense of orthodoxy and more resolution in the defense of institutional autonomy was shown, thirty years later, by Oxford University when it refused (in 1377) the demand of Pope Gregory XI to arrest and deliver John Wyclif, doctor of divinity, whose writings were deemed theologically erroneous and "subversive of all civil polity." The Great Congregation of the University merely directed Wyclif to stay within his lodgings. However, when Wyclif in subsequent years in several publications formulated his "conclusions," including the denial of the scholastic doctrine of

Transubstantiation, a council of divines condemned them as heretical. After protesting the interferences of religious and secular authorities in university affairs, Oxford University in 1382 expelled or retired Wyclif and some of his followers.

The Papal Schism of 1378, with one pope in Rome and another in Avignon, raised many problems for the universities. The University of Paris quickly appreciated that it could use its expression of partisanship to its advantage. It postponed taking sides in the Papal Schism and played neutral for some time. Only after more than a year did it declare itself for the French Pope, first only by a majority of the three superior faculties (theology, law, and medicine) and of only two nations (France and Normandy), but afterwards in a commitment of the University as a whole. The University dispatched its resolution to Avignon together with a list of petitioners for benefices.

The German masters had special problems. At that time Prague and Vienna were the only German universities, but there were many German *magistri* at Paris and other French universities. (Even the Rector of Paris was a German in the year of the Schism.) The Germans were in favor either of neutrality or of the recognition of Urban VI, the Roman pontiff. They found it difficult, however, to maintain their independence of thought and to resist the pressures put upon them to declare for the French Pope, Clement VII. By remaining dissentient members of a university which as a body adhered to Clement VII, they would have risked all chances of preferment by the annual roll of nominees for benefices.

The first German university had been founded in Prague, in 1347, by a papal bull from Clement VI and an imperial charter from Charles IV. In 1384 a feud, long smouldering between Germans and Czechs, became an open battle within the University of Prague. There were petitions to King and Pope, suspensions of lectures ordered by the (German) Rector, and physical violence in various quarters. A precarious peace was established. Before long, new

frictions developed. To the conflict of nations and languages (Czech versus German), a theological conflict (religious reform versus conservatism) and a philosophical conflict (realism versus nominalism) were added. The religious controversy was centered on the teachings of John Hus, an exponent of Wyclif's theological writings. In 1403 the Congregation of the University formally condemned 45 articles extracted from Wyclif's books, but the Czech masters, including Hus, continued to teach them. In 1408 all masters, bachelors, and students were ordered to surrender any copies they possessed of Wyclif's books. A few students had the courage to refuse the order, claiming that it infringed the privileges of the university.

How were the charges and countercharges of heresy, of theological error, of infringement of academic privilege to be adjudicated? How were the conflicts of philosophy and of nationality to be resolved in an academic body so divided and so intolerant? History provided even more complications. Tired of the Schism with two rival popes, a council of cardinals, at the instigation of the University of Paris, deposed in 1409 both Gregory XII and Benedict XIII and elected a third pope, Alexander V. The King of Bohemia, Wenceslas, had been deposed as German Emperor and was feuding with two other pretenders. With three popes and three emperors contending, the University of Prague had a wide choice in declaring allegiance to sovereigns of the realm and princes of the church; and the different factions in the faculties and the four nations of students favored different solutions. In order to do away with the existing majority, the King, at the behest of the Czech teachers led by Hus, decided to change the voting powers in the University and gave three votes to the Bohemian nation and only one vote to be shared by the other three nations. This led to the exodus of the Germans from the University of Prague. Some went to the Universities of Heidelberg and Cologne, founded in 1385 and 1388, respectively, but most of the masters and students

accepted an invitation from Thuringia to form the new University of Leipzig, which the new Pope Alexander V, still in the same year, 1409, provided with the proper foundation-bull.

The exodus of the Germans did not end the troubles at the University of Prague, however, since the teachings of Hus, now Rector of the University, were not acceptable either to Rome or to the theologians of other universities. After several years of controversy the Council of Constance in 1415 condemned Hus for his heretical Utraquist tenets and had him burnt at the stake. Because the University of Prague persisted in its official position in opposition to Rome, the Council of Constance suspended the privileges of Prague in 1417.

*Interferences with Religious Teaching: 15th and 16th Centuries*

The disciples of Wyclif gained greater following at Oxford and Cambridge, and in the 15th century "Lollardism" was clearly in the ascendance. Partly because of the displeasure shown by the house of Lancaster and partly in furtherance of their own preferences, the authorities of the universities began repressive actions against the Lollards and in favor of ultramontane doctrines. This earned the universities royal and papal favors, including a strengthening of university autonomy with greater independence from archbishops, bishops, and other church officials.

At the University of Paris the controversy between nominalists and realists continued, and in the 15th century nominalism was the dominant philosophy. When it appeared to become the official position of the University, King Louis XI prohibited in 1474 all nominalist teaching. In 1499 the University, in protest against infringements of its privileges, called for a cessation of lectures. The King responded by revoking the University's right of cessation—teachers' strike—a right recognized by popes and kings since 1219 and particularly in the famous papal bull, *Parens Scientiarum*, of 1231.

Royal interferences with religious and also general teaching at the universities were most glaring in the 16th century. The Tudor King Henry VIII prescribed what should be taught and what must not be taught at Oxford and Cambridge. Under the "Royal Injunctions" of 1535, the study of Canon Law was prohibited; the study of Aristotle became compulsory, though under the guidance of Humanists rather than Schoolmen; the use of the old textbook by Peter of Lombard was forbidden; a new exegesis of the Old and New Testament was prescribed; daily lectures in Latin and Greek were made obligatory. And, with the new independence from Rome, the Articles of the Church of England became the essence of the official creed of the English universities.

Most of these innovations were reversed during the reign of Queen Mary, 1553–58. The 48 Articles of the English Church were replaced by 15 Articles embodying Catholic tenets; the dogmas of Luther, Zwingly, and Bucer, which had found adherents among masters and students, were condemned as "pestiferous heresies"; the theologians Cranmer, Latimer, and Ridley at Oxford, and John Hullier at Cambridge, convicted by academic trials, were burnt as heretics; many masters of Anglican persuasion were forced into exile. The great majority of resident masters and of candidates for degrees, however, subscribed to the new Articles, either with conviction or under intimidation. To add comic relief to the tragic account, the new pronunciation of Greek, adopted largely in conformance with proposals by Erasmus of Rotterdam, was prohibited, and the old pronunciation was prescribed.

In a reversion of the reversion, under the reign of Queen Elizabeth, the tables were turned on the Catholic, and later for good measure on the Puritan, masters. The exiled Protestants returned (chiefly from Germany and Switzerland), and the Catholic masters had to suffer persecution and exile. The 15 Catholic Articles of Faith were suppressed, and the 39 Anglican Articles again became official doctrine, strictly enforced by the universities. In 1570 the

"Elizabethan Statutes" were imposed upon Cambridge University, "on account of the again increasing audacity and excessive license of men." Among other things, they reduced the voting powers of the regent masters and vested them in the Heads of the colleges. The new statutes remained in force for three centuries.

Some Puritan masters at Cambridge were hoping to get their modifications of creed and liturgy adopted within the Church of England. In the 1570's Walter Travers published his *Disciplina*, which Thomas Cartwright translated into English. The University authorities forced both these theologians, and also several of their followers, to seek safety in exile. When the University Press in 1584 published an edition of the objectionable treatise, the authorities had it seized and destroyed.

Two other factions besides the dominant Anglicans and the subversive Puritans were contending at that time at the University: Arminians and Calvinists. The latter were strong enough to carry the promulgation of the "Lambeth Articles" and to force, in 1596, the removal of one of their critics, the theologian Peter Baro, from his professorship. A few years later, however, King James I, under the Act of Uniformity of 1604, required all professors to take an oath of loyalty to the Episcopalian Church.

*Partisanship in Secular Politics: France and England*

University relations to kings and princes merit a special place in the records of history. The universities needed privileges, protection, and finances; where, for any of these, they had to rely on the sovereign of the land, they could not easily withhold allegiance to him. Obversely, sovereigns often found it convenient to use official judgments or pronouncements of the universities in support of their own claims in a variety of feuds with the various estates within their country, with the ruler of other countries, and with the princes of the church. To quote one of the writers of the history of universities, the university tended "to become a great organ of public

opinion, a channel through which the Court might address itself to the nation and the voice of the nation might reach the Court."[3]

This quotation referred specifically to the University of Paris in the late 14th and early 15th centuries. "To enumerate all the instances," the historian continued, "in which the university played or attempted to play . . . a political role would involve a review of the whole course of French history" of the period. We find the university interceding for the convicted leaders of an uprising; pleading for the relief of the city of Rouen besieged by the English; taking sides in disputes involving nobles, prelates, burghers, and peasants, sometimes coming out in favor of the Court, sometimes against it. We find the university identifying itself with the Burgundian cause against the Orleanist Princes, but also solemnly condemning the book of an apologist of the murder of the Duke of Orleans. We find it, at the behest of the English, convicting the Maid of Orleans on charges of heresy and witchcraft.

The English universities were equally busy pronouncing on controversial political questions. Both Oxford and Cambridge were involved in the case of the divorce of King Henry VIII from Queen Catharine of Aragon. Cambridge accepted by majority in 1529 a verdict of a commission declaring that the divorce was legal; Oxford followed in 1530, though it could obtain compliance of the Convocation only after the University authorities excluded the dissenting graduates in Arts from the voting body. In 1534 the universities were invited to concur in the separation of the English Church from Rome; universities readily gave their formal consent to Royal supremacy.

Matters were more complicated when, in the 17th century, in the conflict between Crown and Parliament, universities were asked not only for official judgments and declarations but also for finan-

[3] Hastings Rashdall, *The Universities of Europe in the Middle Ages*, new edition by F. M. Powicke and A. B. Emden (Oxford: Clarendon Press, 1936), Vol. I, p. 541.

cial aid. Thus in 1642 King Charles I wanted the universities to contribute money for the defense against the rebellious Parliament. In both Oxford and Cambridge various colleges had to dig into their treasuries to comply with the royal request, although Parliament declared such requisitions illegal. Cambridge was occupied by Cromwell's soldiers, Oxford by royal troops. Oxford soon became the temporary seat of the Royal Court, until it had to surrender to the victorious forces of the Parliament.

In 1643 Parliament had ordered acceptance of the Solemn League and Convenant, to which Cambridge agreed without delay and Oxford after its surrender. Many college Heads and fellows were expelled. Subsequent boards of visitors during the period of the Commonwealth (1649–60) completed the purges of the universities.

Restoration of the monarchy was hailed with enthusiasm by the universities. Cambridge commemorated it by publication of a volume of congratulatory verses. Expelled fellows were allowed to return, though most of them had made restoration to their positions impossible by changing their religions or getting married, which made them ineligible.

During the reign of Charles II (1660–85) the universities had several occasions to approve or disapprove political resolutions, especially concerning the succession of the Catholic King James II (1685–88). The revolution of 1688 was quietly accepted by the universities. Oxford dispatched deputies to salute William III after his landing, and pledges of support were signed by almost all the Heads of colleges and officers of the University. Nevertheless, "Jacobite partisanship"—loyalty to James II—remained strong among dons and undergraduates at Oxford and (somewhat less so) at Cambridge. The accession to the throne of Queen Anne, in 1702, was celebrated in a grand "Philological Exercise."

During the reign of George I (1714–27), the first king of the house of Hanover, sentiments at Oxford and Cambridge were

quite different. While Cambridge, with a Whig majority, was more firmly behind the new regime, Oxford, largely Tory, remained reserved, if not downright disloyal to the King. The Jacobite bia at Oxford was so manifest in appointments that Parliament considered a reform plan to vest in the King all powers of nominating and appointing the officers of the University and all Heads, fellows, scholars, etc., at the colleges. Oxford Jacobitism remained fashionable until about 1760, the year of the accession of George III, when Oxford University officially affirmed inviolable attachment to his Majesty's "person and government."

This account of political partisanship of the two great English universities may appropriately be concluded with two quotations from an Oxford historian commenting on traditional sentiments that have pervaded academic diplomacy. "Our own age," he wrote in 1908, "stands aghast at the facility with which graduates and undergraduates dropped into adulatory verse whenever the reigning house stood in need of sympathy or congratulation." At the same time there prevailed a good deal of inertia, also in the transfer of loyalty to new royalty. "The University of Oxford has often been blamed for its devotion to causes which (as it is alleged) real enlightenment would have recognized as doomed to failure from the first: an unfortunate habit of loyalty which is easily traced to a merely unintelligent conservatism and hatred of change."[4]

*Miscellaneous Acts of Bigotry and Chauvinism*

The spread of Descartes' philosophy was deeply disturbing to the theologians in many universities. In 1653 the University of Marburg banned Cartesian philosophy; in 1663 the theologians of the University of Paris had Descartes' work put on the Index; and in 1676 the University of Leiden expelled professors espousing Cartesianism (although Leiden was one of the few institutions

[4] A. D. Godley, *Oxford in the Eighteenth Century* (New York: Putnam, and London, Methuen, 1908), pp. 222 and 231.

which from its very beginning in 1575 had assured the academic world that it would not require any doctrinal commitments from its teachers or scholars). In 1696 the University of Jena declared that only with the unanimous consent of all professors might a teacher point out mistakes in Aristotle's writings.

All these actions at Marburg, Paris, Leiden, and Jena were based on autonomous decisions by academic bodies. In addition, there were plenty of infringements of academic freedom by outside powers. The University of Halle, founded in 1694 with a solemn pronouncement of the principle of freedom of teaching (and often regarded as the first really modern university), suffered a shocking interference by King Frederick William I of Prussia, who, in 1723 expelled Christian von Wolf, philosopher and mathematician—threatening to hang him if he stayed—because Wolf's deterministic philosophy supposedly encouraged desertions from the army. Trying to restore academic freedom, King Frederick the Great reinstated Wolf in 1740. But in 1786, Frederick William II decreed that professors must obey all royal commands without demur and, in another decree two years later, restricted freedom of teaching and publishing at Prussian universities.

The education minister of the same Prussian ruler, in 1794, reprimanded the philosopher Immanuel Kant for his work on religion and forbade him to lecture on this subject at the University of Königsberg. The University made no attempt to defend Kant's freedom of teaching. In 1798 the University of Jena forced the philosopher Johann Gottlieb Fichte to resign his professorship because of his atheism and his partiality to the French Revolution. In this case the Saxon Government and its Minister, Goethe, had tried to uphold the professor's academic freedom.

Göttingen, another university founded (in 1734) with special dedication to principles of academic freedom, was in 1837 confronted with a demand by King Ernest Augustus of Hanover that all professors take an oath of loyalty to an autocratically changed

state constitution. Seven professors declared that it was against their conscience to break their previous oath to the old constitution, and they refused to swear allegiance to the new. The brave "Göttingen Seven" were dismissed.

In 1842 the University of Zurich appointed David F. Strauss to a chair in theology, but yielded to public protests by pensioning Strauss before he started lecturing. In 1849 the historian Theodor Mommsen was dismissed by a disciplinary court from his professorship at the University of Leipzig because he had protested against a political coup. In 1854 the philosopher Kuno Fischer was deprived of his right to lecture at the University of Heidelberg. He was recalled to Heidelberg in 1872.

In 1898 a case at the University of Berlin raised the question whether the teacher's academic freedom included his right to make extramural speeches on controversial political issues. Dr. Leo Arons, a physicist, had been campaigning for the Social-Democratic Party. Disciplinary proceedings of the University found that such activities were not incompatible with holding the position of lecturer. The Prussian Government, however, obtained new legislation, and under this authority the Minister of Education withdrew the lecturer's permission to teach.

During the First World War many countries found pacifist speeches intolerable. In 1916 the pacifist Bertrand Russell was removed from his post at Trinity College, Cambridge, after he had been convicted under the "Defense of the Realm" Act.

*Religious Freedom at English Universities*

The previous discussion has made it clear that in the English universities, religious commitment, intolerance, persecution, test-oaths, and "subscriptions" were the rule, and whatever tolerance there was took the form of looking the other way for a while. In 1581, just a few years after the University of Leiden declared that no doctrinal or religious commitments would be required of

teachers or students—and that even Jews would be admitted—the English universities adopted the most stringent religious requirements. No one could be admitted to any degree—or even matriculated—unless he acknowledged the ecclesiastical supremacy of the Crown, subscribed to the Book of Common Prayer as being in accordance with the word of God, and subscribed also to the 39 Articles of the Church of England.

There is no evidence of any resentment of the exclusion of nonconformists, nonbelievers, or scholars of different faith; no evidence that the teachers or students at Oxford or Cambridge found anything wrong in dissenters having to suffer for their lack of Anglican orthodoxy. Only late in the 18th century were voices raised within the universities against the farce of demanding such professions of faith from young boys to be admitted to the bachelor's degree. In 1771 proposals that this requirement be abolished by the university, or at least that undergraduates could be exempted from it on request, were rejected by the Heads of the colleges. When a group of fellows petitioned Parliament to do away with the restrictive rules, the lawmakers intimated that the universities could act alone as far as lay students were concerned. After counsel agreed that the universities had this right, the universities decided by majority not to make use of it. They only changed the requirement for undergraduates from the strict subscription to a declaration that the student was "*bona fide* a member of the Church of England," which was hardly a large step toward religious freedom.

Further steps had to wait for the 19th century. In 1828 London University College was established as the first nonsectarian university in England. In 1854 and 1856, Oxford and Cambridge abolished the requirement of religious test-oaths for undergraduates. In 1871 the University Tests Act removed these oaths for all, including fellows, and in 1882, at last, the two universities abolished all religious restrictions.

FRITZ MACHLUP

*Suppression and Submission under Totalitarian Regimes*

It is a notorious fact that the slow development toward greater academic freedom was stopped short and undone in countries under totalitarian regimes. The universities' commitment to national goals or ideological causes adopted by the regimes was broader in scope in Soviet Russia and Nazi Germany than in Fascist Italy, but none of these countries tolerated dissent from certain fundamental dogmas. Allegiance to the regime and obedience to its orders were required of all teachers. In Germany the oath of loyalty and obedience was to Adolf Hitler, the *Führer*.

Many "liberal" professors in the United States are wont to deplore the alleged fact that the faculties at the German universities—they do not include Russian universities in this criticism—did not take a stand, did not speak out on the issue of repression. These critics are uninformed of the actual facts. At many German universities the academic senates, or various bodies of the faculties, did speak out, take official positions, make solemn pronouncements—in support of the *Führer* and his policies, endorsing measures to attain Aryan purity by means of academic purges. The records of the meetings of the faculties are not published, but if the American critics had done conscientious research they would have found that the German faculties had been neither silent nor neutral.

Those who condemn collective academic silence or neutrality on vitally important issues are naively optimistic in expecting that academic bodies, especially those composed entirely of professors, would always be on the side of the angels and would, by overwhelming majority if not unanimously, give their learned endorsement to resolutions in favor of the True, the Good, and the Beautiful. The principle of academic nonpartisanship, were it not a part of academic freedom and a condition of its survival, would still be a clear implication of the dictum *si tacuisses philosophus mansisses*. As long as we academics keep collectively a dignified

silence—collectively, not individually—we may keep it a secret that the majority of us are just as rash, as timid, and as eager to jump on the bandwagon as laymen; and, remaining collectively silent, we would not bring our universities into disrespect.

Would anybody earnestly propose that the professors of the University of Moscow, or the University of Prague, assemble in convocation, make a public statement condemning the repressive policies of the government and denouncing the commitment to Marxist-Leninist orthodoxy? Is it not clear that any official position they could possibly vote for would have to be an endorsement of the regime and its fundamental doctrines? Would not, under such circumstances, collective silence and nonpartisanship be the only stance that can be recommended to academic scholars who want to remain alive and active as academic scholars?

*The Idea of Institutional Neutrality*

During the entire history of partisanship of Europe's academic institutions, the merits or virtues of institutional neutrality or nonpartisanship were hardly ever discussed. There were only a few exceptions, when it seemed temporarily expedient—safer or profitable—to hide antagonism against an outside power (a potential benefactor or malefactor) behind a facade of neutrality. How then did the idea of institutional neutrality develop? It certainly did not jump onto the academic platform, ready-made and fully-formulated. It was vaguely implied or suggested in general treatises about academic practices and reforms, part and parcel of discussions of academic freedom, autonomy, and immunity.

A search of the subject indexes of the books by writers on higher education does not yield any clues or hints (even in the rare cases where older books have such indexes); and even a close reading of the essays, pamphlets, and books of academic reformers fails to supply quotable statements in support of institutional neutrality. Virtually all statements which seem to imply such support inter-

mingle other issues with the question of nonpartisanship; or they link collective with individual neutrality; or they join the notion of nonpartisanship of academic bodies with that of impartiality of the government or other sponsors who provide the funds for the operation of the universities.

Thus, despite a diligent search of the literature I am unable to trace the history of the idea of nonpartisanship of academic institutions in Europe. I can at best list the writers whose works contain germs of the idea—and all of these writers are German, and most of them are philosophers. I may name Immanuel Kant (1798), Friedrich W. J. Schelling (1802), Johann Gottlieb Fichte (1805, 1807), Friedrich Schleiermacher (1809), and Wilhelm von Humboldt (1810) among those whose thoughts were most influential in the establishment of the University of Berlin and in the organization of a relationship between state and university that afforded a maximum of academic freedom compatible with the framework of the state. The aim was to create an organization as far removed as possible from the existence of political parties, powerful interests, and everyday politics.

It is almost impossible to excerpt from these writings any sentences, let alone paragraphs, which are directly and exclusively pertinent to the theme of this paper. We can find sentences that contain the word impartiality, but it usually refers to the ministry of education. We can find Humboldt urging the adoption of safeguards against the dangers to the freedom of the university arising from its own ranks and its own practices. Perhaps the most comprehensive statements can be found—almost a hundred years later—in the works of Friedrich Paulsen, a historian of higher education in Germany (1902), who, in his chapter on freedom of teaching, deals with such subjects as "professors and politics" and "the university's role in political education and public affairs." Paulsen quotes extensively from Friedrich Christoph Dahlmann and Jacob Grimm, two of the Seven from Göttingen. He empha-

sizes the importance of professors freely discussing in their lectures the conditions and consequences of governmental policies, but he strongly warns against the university's direct involvement in actual politics and policy advice.

Max Weber (1919) must not be omitted in any review of ideas on the scholar's role in society. But the most pertinent remarks on our theme are probably in Karl Jaspers' book on *The Idea of the University* (1923, 1946, 1961; English translation 1959). It would be tempting to quote extensively from it, but I shall confine myself to three passages. Jaspers speaks of the possibility that the state may not want to allow the idea of the university to be realized (as the Nazi regime surely did not). "In this case," he writes, "the university has no choice but to keep alive its ideal in secret, to refrain from all political activity and await the eventual fall of the present regime."[5] On the question of institutional partisanship, Jaspers has this to say:

> The university as an institution must not take sides in conflicts between nations. . . . The academic bodies, the faculties and senates, have no business making political pronouncements, especially not on questions of party politics, but not on national issues either; as members of a university they serve the nation and mankind solely by pure intellectual creativity.[6] Even when all members of the university as persons and as citizens are completely unanimous, it defiles the idea of the university if they express their political unanimity through the university; they should do it outside the university.[7]

Finally, I cannot resist the temptation to include here Jaspers' judgment on the implied partisanship in which universities indulge

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[5] Karl Jaspers, *The Idea of the University*, translated by H. A. T. Reiche and H. F. Vanderschmidt (Boston: Beacon Press, 1959), p. 124.

[6] Karl Jaspers, *Die Idee der Universität* (Berlin: Springer, 1946), p. 124. Also in Karl Jaspers und Kurt Rossmann, *Die Idee der Universität* (Berlin: Springer, 1961), p. 159. (Translation is mine.)

[7] *Ibid.*, p. 159. This sentence was not in the earlier editions.

by granting honorary degrees to political figures whose claims to fame or recognition are unrelated to scholarship:

> The university as an institution cannot honor great national deeds without transgressing its proper limits, arrogating to itself an importance which is not warranted. Glorious deeds of generals and statesmen ought not to be recognized by awarding them honorary doctor's degrees. The faculty awarding these degrees sets itself up as a judge of character or of the value of particular actions to the nation or the world; it presumes to be an authority in a sphere in which it has no competence.[8]

An earlier and rather general justification of the principle of institutional nonpartisanship was stated in 1902 by Paulsen when he said that "the universities must not allow themselves to be drawn into current politics [*Tagespolitik*] as participants and accomplices lest they lose their impartiality and objectivity."[9] The more fundamental arguments, however, cannot be found in the earlier literature. None of the writers on academic freedom whose works I have seen has remarked on the gross impropriety of making moral, philosophical, religious, political, or scientific questions subject to voting—as if they could be decided by counting "ayes"—and of placing the outvoted minority in the wrong. This is the argument that raises the principle of institutional neutrality from a mere expedient to a categorical imperative.

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[8] *Ibid.*, p. 159–160. This passage was not in the earlier editions.
[9] Paulsen, *op. cit.*, p. 333.

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FRITZ MACHLUP

# THE FACULTY: A BODY WITHOUT MIND OR VOICE*

The title of this statement is not meant to suggest that professors have no minds—indeed, some find themselves of two minds most of the time. Nor is it to imply they are without voice to express their thoughts—some of them are notorious for talking too much. The intended suggestion is that there is an important difference between the individual member of a faculty and the faculty as a collective or "corporate body." The purpose of my statement is to respond to the dispute about institutional neutrality.

My position is that it is improper for a university as an institution and for a faculty as a collective body of the institution to express and publicize "official" positions on scientific, philosophical, moral, social, or political issues, no matter how strongly any members of the collective body may feel about these issues. The verdict of impropriety may be based on three grounds:

(1) traditional principles of academic freedom,

(2) sober judgments on majority voting by faculty bodies, and

(3) common standards of honesty.

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* An earlier and shorter draft of this paper was distributed to the faculty at Princeton University during the "Moratorium Debate" in October 1969. The paper in its present form was written in February 1970, when faculties at American universities were much divided on the issue of institutional neutrality vs. partisanship. It was not published, perhaps because the debates on the campus became excessively heated the following May. Since it states succinctly my opposition to institutional partisanship, I am making it available here for the first time.

*A Principle of Academic Freedom*

An important part of the freedom of any member of an academic community is that no group or body in that community is entitled to speak for him. "The modern university emphasizes that it has no corporate judgment on disputed public questions." (Hofstadter and Metzger, 1955.) Neither the board of trustees nor the president or other administrative officers of the institution, nor any body such as senate, council, or faculty assembly should ever undertake to pronounce on matters not directly related to the educational program, that is, on matters not requiring action regarding the objectives, policies, and operation of the institution. Indeed, since there is often agreement on action without agreement on the reasons, pronouncements of general positions are superfluous and undesirable even on educational matters. A faculty can vote on the length of Christmas vacations without stating positions on religious issues; they may abolish Reserve Officers Training, or deny academic credit for it, without expounding views on war and the military establishment; they may introduce or abolish courses in German, Russian, or Chinese literature without pronouncing on the virtues or faults of these peoples.

The principle of majority rule in decisions about institutional policies—say, admission of students, requirements for degrees—does not hold in matters of scientific, philosophical, political, or moral pronouncements. The norm of institutional neutrality enjoins corporate silence particularly on political issues. The term neutrality, however, may convey a wrong connotation: as if the members of a community of scholars could ever be "neutral" on such issues as genocide, slave labor, or police brutality. The point is that the institution or its faculty as a body has no brain and no heart, and should have no mouth either; the members of the institutions *as individuals* have all these organs and have a moral obligation to use them freely in defense of what they consider right. But it is improper and in violation of academic freedom for

a majority or some representative group to speak for the entire academic body and publicize statements of an "official" position of the institution or faculty.

In 1967, the Kalven Committee (University of Chicago) stated that, "There is no mechanism by which it [the university] can reach a collective position without inhibiting the full freedom of dissent on which it thrives." Thus, there is "a heavy presumption against the university taking collective action or expressing opinions on the political and social issues of the day, or modifying its corporate activities to foster social or political values, however compelling and appealing they may be."

Unfortunately, this principle of academic freedom is often violated. The infringers usually lack the understanding and the tact that are needed to secure its observance.

Even if the official positions or collective opinions stated by spokesmen for the institution or its faculty are shared by the overwhelming majority of its members, their pronouncement infringes the academic freedom of dissenters. The minority, holding views at variance with the official position pronounced by the academic body to which they belong, is not subject to legal or institutional punishment, but their dissent must still be regarded as suppressed and censured by the majority through the implication that the views of the dissenters are intellectually or morally inferior.[1]

*A Sober Judgment on Majority Votes of Academic Bodies*

Although I have spoken of the principles of academic freedom as traditional, they are in fact of relatively recent origin. The medieval universities considered themselves called upon to pronounce and proclaim on all sorts of controversial public issues. History has recorded numerous instances of collective academic

[1] The entire preceding section was originally prepared for the article on "Academic Freedom," published in *The Encyclopedia of Education* (New York: The Macmillan Company. The Free Press, 1971).

judgment; for example, the judgment of the University of Paris that Joan of Arc was a witch, or the position of the newly established University of Toulouse condemning the Albigensian heresy. Centuries later, some universities declared that all Aristotelian propositions were true beyond question and must not be criticized. The University of Paris passed a resolution to the effect that the ideas of Descartes were unsound and must not be taught. In the 20th century, academic emotions ran high during the first world war and all sorts of "patriotic" resolutions were moved and passed in academic bodies. We may recall the position of Trinity College, Cambridge, in 1916 that loyalty to the war effort was imperative and disloyal teachers must be dismissed.

It is difficult to ascertain just when the principle of institutional neutrality was first proposed and when it became more widely recognized. It seems that official positions pronounced by academic bodies were once the rule and have become exceptions only during this century. If this is true, one can easily understand that in times of heated public controversies strong pressures arise for making exceptions and telling the world what the "university" thinks.

In the recent discussions of collective proclamation versus collective silence, some proponents of faculty resolutions on the Vietnam issue have spoken about the "immorality of silence" and referred, by way of illustration, to the supposed silence of German universities under the Nazi regime. The reference, alas, is mistaken; many German faculties, instead of remaining silent, made official pronouncements endorsing Hitler's doctrines. Years later some exceptional heads of German universities recalled and regretted the "shame" of official actions of their faculties during the Hitler period. Belatedly they wished that they or their predecessors had had the courage and wisdom to remain silent.

Political positions can be implicit in practical decisions presumed to be necessary for the operation of the university. An anticommunist position, for example, can express itself in a ban on communist

teachers. Thus, in 1950, the Senate of the University of California adopted the resolution that membership in the Communist Party was incompatible with holding a teaching position in the University. Twenty years later this resolution was rescinded by the same faculty body. Of course, in the passage of twenty years, its composition must have changed to some extent. However, it is tempting to speculate how many members of the faculty who voted to rescind had in 1950 voted with the anticommunist majority. I suspect, moreover, that some who in 1950 voted with this majority were not acting out of a genuine anticommunist conviction (or prejudice) but out of fear of political consequences of "collective inaction," if not out of fear of being identified as members of the antianticommunist minority. I submit that many academic teachers are rather timid people who in questions where debaters have appealed to their "moral responsibilities" feel compelled to climb on the bandwagon; they do not like to be conspicuous, they do not want to stand up and be counted among a stubborn and presumably immoral opposition.

This is not a defense of academic timidity; it is only a recognition of a fact. And it is a plea that we recognize that majority votes by an academic faculty on controversial public issues rarely express the thinking of even the majority.

*A Standard of Honesty*

We are told that there are occasions or crises when intelligent people must "rise above principles"; or that the principle of academic freedom may sometimes be in conflict with "higher principles" and should yield to them; or that "the preservation of basic moral values requires that all institutions, especially those of higher education, take formal and collective positions on the basic issues dividing society." (The last quotation is from the "Statement of the Association's Council," *AAUP Bulletin*, Vol. 55, No. 4, Winter 1969, p. 488.) Who decides when such a basic issue arises and how

it is to be resolved? The "leader" or the majority of those present, or the majority of all polled in a secret ballot?

The essential point regarding this argument is whether it justifies deceiving the public about the "official" character of the position endorsed. For undoubtedly, to characterize as an official position what in fact is only a majority opinion, is nothing less than lying.

If I were to tell anybody that my family believes this or that or holds a particular view on a certain issue, even if I were aware of the fact that my son disagreed, I would be a liar. There is no common position of the Machlup family; it would be plainly dishonest if I misrepresented the opinion of the majority of the family (counting or not counting the school-age grandchildren) as the family opinion. It would be equally dishonest to misrepresent the opinion of a majority of the faculty as a "faculty opinion."

There is a very simple and honest way in which any group, be it a majority or a minority of the faculty, can publicize its unanimous position on any issue: in a statement signed by its supporters. Signed statements of opinion may impress the public by the number of signatures or by the eminence of the signers. I find it strange that some dedicated partisans of particular positions, instead of speaking for themselves, attempt to arrogate to themselves the right to speak for the entire faculty. The fact that they are not satisfied with a pronouncement signed by them and their likeminded colleagues, and insist—in full awareness of the existing division of views—on a pronouncement of a "faculty position," suggests to me that they prefer to propagandize their views by attaching a deceptive label to it. "The Faculty of X University" is represented as endorsing a position, although only a certain percentage of the faculty members have actually voted their approval.

Whether or not the admonition "Thou Shalt Not Bear False Witness" is recognized as a religious or an ethical norm, one should be able to rely on educators in institutions of higher learning to abide by it. Incidentally, the principles of academic freedom,

as formulated in the 1940 Statement of the AAC and the AAUP, include the simple standard of honesty of which I try to remind my colleagues: "The college or university teacher . . . should at all times be accurate, . . . , should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman." This is as valid for groups of faculty members as it is for an individual faculty member, and it holds equally for a majority of the faculty pronouncing on an issue of public interest.

WALTER P. METZGER

# INSTITUTIONAL NEUTRALITY: AN APPRAISAL

For me, the term "institutional neutrality" invokes a single ruling question: to what extent should institutions of higher learning, in their *corporate* capacities, take sides on mooted public issues? It does not, except tangentially, raise the question: to what extent should academic persons, in their *individual* capacities, take sides on mooted public issues? And it does not, even glancingly, touch the question: how should the government or society deal with its many pressing ills?

I trust this narrow construction of the central issue does not suggest that I am uninterested in the civic life of academics or that I am indifferent to the social maladies of our time. These things concern me greatly; but so, too, do the freedom, solvency, and moral stature of colleges and universities—qualities that can be saved, enhanced, reduced, or squandered by the corporate policies they adopt. The salience of this latter issue is what a concentrated focus seeks to recognize and what a wider enquiry may obscure.

It would be useful, at the outset, to be reminded that my central question would have seemed senseless prior to comparatively recent times. For one thing, the lengthy history of universities reveals such conspicuous examples of unneutrality that the accumulated tradition, if anything, can be said to run the other way. The medieval university had a Roman Catholic truth to speak for and occasionally a heresy to suppress; Oxford and Cambridge in the Tudor period were deeply involved in dynastic struggles; the conti-

nental universities after the Reformation adhered to the confessional preferences of local princes; the German universities in the Napoleonic period became rallying-points for a spiritual war against the French. To be sure, this history does contain certain counter-tendencies. The rise of religious latitudinarianism did work to reduce, if not erase, the creedal demands of the *venia legendi*; a nimbus of academic autonomy did serve to insulate the German universities from the politics, if not the ideology, of the state. But these developments, though they can be traced far back in time, did not become widespread and exemplary until the onset of the secular and constitutional modern age. Similarly, in this country, a profusion of church-built colleges, pietistic in tone and often evangelical in aim, set a dominant tradition of commitment. Opposing trends were visible—some colonial colleges were nonsectarian, many state universities sought immunity from denominational aggrandizers and party spoilsmen—although these were only weak anticipations of a reality that took centuries to emerge full-force. Most important, even when bodies academic did not express opinions, they seldom assumed it was wrong to be opinionative. Usually nonpartisanship, where it appeared, had a pragmatic sanction. The elimination of religious tests for students was a tactful policy for colleges with small enrollments. "A plague on both your houses" was a prudential policy for universities when it was uncertain which House would gain the throne. When universities were impartial out of principle, the principle they appealed to was theological (the universality of redemptive grace) or political (open access to ethnic minorities).

That there was something about this *kind* of institution which required it to be noncommittal, however, was not a widely-accepted norm. In other words, the practices of institutional neutrality long preceded the formulation of a specifically academic rationale.

When did that rationale emerge? Sticking to America, I would place its origins between the last quarter of the nineteenth century,

when research and social criticism became academized, and its formal enunciation in 1915, when a newly-organized association of professors issued its first academic freedom tract. In the interval demarked by these two events, a number of professors became *causes célèbres* when they opposed some officially-favored doctrine and paid for their opposition with their posts. First, Darwinian biologists and Biblical critics ran afoul of the trustees of religious colleges who stood for a more literal interpretation of Holy Writ; then economists on both sides of the money controversy were deposed when the shifts of local politics made their views unpopular with governing boards; then liberal and radical social scientists in privately-supported institutions were removed when founders and donors wrote their class obsessions into rules. These successive waves of academic freedom cases gave the idea of institutional neutrality a professional constituency and a public backing it had never been able to claim before.

One case, the dismissal in 1915 of Professor Scott Nearing from the Wharton School of the University of Pennsylvania, stands out from the rest.[1] Leading directly to the founding of the AAUP and to the issuance of its academic freedom statement, it served to crystallize opposition to doctrinal commitments by universities. The trustees of the University of Pennsylvania would not reveal their reasons for dismissing Nearing, a radical economist with a strong inclination to speak his mind, but it was clear enough from what they and their supporters did say that they found his ideas obnoxious and thought that this was sufficient to cast him out. In explaining why he did not have to explain, George Wharton Pepper, a prominent trustee, put the matter in the following Gothic terms: "If I am dissatisfied with my secretary, I suppose that I would be within my rights in terminating his employment." Was,

[1] I have borrowed this and several other illustrations from my chapter called "Delocalized Academic Institutions" in W. Metzger, S. Kadish, and others, *Dimensions of Academic Freedom* (Urbana: University of Illinois Press, 1969).

then, a professor simply a clerk, an amanuensis, nothing more? Chancellor James Day of Syracuse, in defending the action of the trustees, conceded that a professor was something more—that he dealt creatively with ideas. Nevertheless, Day argued that a professor did not have the right to oppose the views of the men who signed his checks. What happened to Nearing, Day opined, would happen "to an editorial writer of the *Tribune* if he were to disregard the things for which the paper stands. . . ." Were, then, the trustees of a university, like the publishers of a newspaper, the owners of the academic property? The editors of the New York *Times*, in choosing not to go quite so far, offered their own enlightening treatise on the question of who owns the university. As they saw it, the university belongs to its major donors, who are its fount of wisdom and ideology in *saecula saeculorum*; the trustees were the agents of the donors, charged with the execution of that immortal claim. Oppositionist professors like Scott Nearing? They were parasites, spongers—demanding, under the academic freedom cover, a privilege they had risked no capital to deserve. As the *Times* put it:

> Men who through toil and ability have got together enough money to endow universities or professors' chairs do not generally have it in mind that their money should be spent for the dissemination of the dogmas of Socialism or in the teaching of ingenuous youth how to live without work. . . . We see no reason why the upholders of academic freedom . . . should not establish a university of their own. Let them provide the funds, erect the buildings, lay out the campus, and then make a requisition on the padded cells of Bedlam for their teaching staff. Nobody would interfere with the full freedom of professors; they could teach Socialism and shiftlessness until Doomsday without restraint.

One might call this the ambulatory definition of academic freedom—it ensures dissenting professors the freedom to take a walk!

It was with these philistine pronouncements in mind—this contempt for the academic calling, this assertion of the paramount

rights of cash—that the great American philosopher, Arthur O. Lovejoy, on behalf of the professorial organization he had helped to found, composed his brief for institutional neutrality. It would repay us to review the high points of that document, first, to remind us that the case for neutrality has been argued and need not be improvised for each fresh occasion; second, to remind us that the argument for neutrality draws on cases—on hard experience, not on cloud-born thought.

To Lovejoy, a college or university has the special virtue of serving the interests of the whole society, not just some sponsoring and supportive part of it. Moreover, it serves the interests not only of the society-in-being, but of the society-in-prospect—not only of a currently-declared majority, but of a posterity that has as yet no voice. From this it followed that the legal governors of that institution (and, by inference, all those to whom they delegate authority) assume a transcendental stewardship that not only lays them under the usual trust commandment—"thou shalt not treat thy client's money as thine own"—but one of even farther reach—"thou shalt treat thy patron's money as though it were neither his nor thine." No one owns the university; no one group is its spiritual mortgagee; those who run it are the servants of constituencies they have never seen. These were powerful injunctions, and they were aimed at America's possessive tribes.

But what *are* these general and prospective interests that the governors are mandated to protect? To Lovejoy, the only interests that are not immediate and particular are those that refer to the growth of knowledge—to the acquisition, transmission, and spread of truth. With this, George Wharton Pepper might have agreed; but he would not have agreed with the libertarian metaphysics that formed the second pillar of the argument. Truth, wrote Lovejoy echoing John Stuart Mill, is not something to be ultimately possessed but something to be endlessly discovered. The process of discovery implies a contest in which all truth-claims are evaluated

strictly on their merits. The process of evaluation demands a setting safe from the peremptoriness of the powerful—an "intellectual experiment-station" Lovejoy called it, using an American academic idiom to transcribe the metaphor of a "market-place of ideas."

The conclusion followed that no university could put the stamp of its name on a disputed truth-claim and still be faithful to its social trust. Every such imprimatur would be premature, since it would treat with official finality what is in essence tentative and probationary; and each successive imprimatur be unjust, since it would give certain entrants to the contest an undue advantage and handicap others from the start. It mattered little whether the university breached its now and future social contract by means of purges or pronouncements. What is temporarily true must be determined not by organizations, but individuals; what is temporarily false must be determined not by the conclusive use of power, but by the competitive play of minds. Lovejoy had a name for universities that entered into truth-disputes by fiat: he called them "proprietary institutions," and believed they were not universities at all.

As Lovejoy was aware, neither his Pauline concept of stewardship nor his Millian concept of liberty had achieved enforceable legal status. The charters and laws of incorporation still permitted the founders of American colleges to steep student bodies in specific faiths; the tax laws were still too rudimentary to distinguish between donations for propaedeutics and for propaganda; ideological dismissals, even from public institutions, were not then deemed to raise constitutional questions, nor were they, under prevailing contractual interpretations, usually redressable in courts of law. But Lovejoy believed that what the laws did not forbid an enlightened public opinion could inhibit and the new professional association, quick to unmask transgressions, could publicize, stigmatize, and in time deter.

I am going to say something about the limits of the Lovejoy formula for the world that has come to pass since 1915; but before I do, I should like to review its merits which, in our current disenchantments, we may be too ready to dismiss.

First, I shall point out what should be obvious—that this rationale for neutrality was designed to shelter, not restrain, the academic liberal and radical. What is now perceived by commentators on the left as a way of insulating the established social order from the reach of the dissenting academy was originally intended to insulate the academy, and especially its dissenting members, from the reach of the established social order. For where in that America could the Nearings find a safer platform for their ideas than in the opinionless academy? Certainly not in the New York *Times*; maybe in the Rand School, a Socialist meeting, or a Worker's Circle; but was their influence not likely to be greater when they spoke as members of a university than when they spoke as members of a mission, a propaganda apparatus, or a party cell?

It will be argued that every university, even one not given to truth-pronouncements, internalizes the values of the social order and exhibits, through a multitude of value-preferences, an unneutrality it cannot escape. This argument, which is often heard nowadays, does sensible discourse a disservice by confusing two meanings of the word "neutrality"—one connoting detachment, the other connoting restraint. Lovejoy never asked that the university be neutral in the sense of being impermeable to social values: his sense of the university as a fiduciary, his faith in the openendedness of inquiry, were themselves reflections of social values he hoped to introduce and instate. But he never supposed that the university had to be neutral in a value sense in order to be neutral in a power sense; that it had to be "value-free" (a term that was foreign to his vocabulary because the notion was unintelligible in his philosophy) in order to be intellectually noncoercive. On the contrary, he implicitly argued that the reverse was true, that the university had

to be value-committed—committed of course, to *his* values—before it could perceive the vice and inutility of punishing dissenters and endorsing creeds.

Writing at a time when faculty influence in academic affairs was weak (and when the student franchise was inconsequential), Lovejoy addressed his plea for neutrality to the wielders of effective academic power—to state legislators, trustees and regents, presidents, and other high administrators. Because of this, and because the document also contained a brief for greater guild security, the 1915 Statement has been perceived as the Magna Charta of the profession, as a set of constraints that were binding on the ruling potentates but not on the ambitious and rising baronage. Yet it is clear, from a close reading of the argument, that the constraints here demanded were not unilateral. The thrust of the neutral principle was categoric: if ideas cannot be verified by decree, no enlargement of the list of signatories can make them otherwise; if universities are safeholds in which truths momentarily unknown are secured to generations as yet unborn, the democratization of universities does not alter this custodial function but simply increases the number of custodians. The words were addressed to a ruling class, but the moral applied to all estates.

How was this no-substance rule to be effectuated? What were the means to this lack of ends? Conceivably, Lovejoy could have argued, taking a cue from the independent newspaper with its balanced display of editorials, that an academic institution achieves neutrality by appointing men of varying opinions to its faculty. Or he could have argued, with an eye on the renunciative codes of conduct common in the military and civil service, that an academic institution achieves neutrality by prohibiting its members from speaking out on public issues, especially on those foreign to their specialties. Significantly, the author of the AAUP report did not adopt any of these possibilities, but instead contrived a formula more in keeping with his anti-organization views: let the university

appoint meritorious, not representative, men; let it disown responsibility for everything these appointees say or publish; let these appointees say or publish anything they please.

It is clear that this formula carried certain liabilities. It did not charge the institution with making certain that every opinion had its spokesman; it did not charge the institution with making certain that every speaker had a basis for his opinion. But the benefits of neutrality by disownment surely outweighed the benefits of either neutrality by selection or of neutrality by proscription. It made it possible for academic men to consult the idiosyncracies of conscience, rather than the dictates of constituents. It allowed them to change their point of view without being accused of desertion and to present contradictory evidence without being accused of disloyalty. It gave them a feeling of protection from watchful foes and applauding galleries; it offered them the possibility of the pleasure of being persuaded by other sides. And it secured to the American profession a freedom of extramural utterance that was not common to other academic systems where protections were afforded only on-the-job.

Has the Lovejoy doctrine swayed many minds, stayed many hands, made a significant historic impact? How one answers that question may depend as much on one's own career experiences as on a cool survey of trends. Having served in a private university whose administrators have generally indulged the faculty, I may derive my belief that the academic managers have grown less imperious from nothing but my atypical good fortune. And having scaled the ladder of promotion without undue pauses or suspicious incidents, I may assert the view that there are fewer surreptitious bigotries—fewer cases of heretics miscalled incompetents—with the lightness of a libertarian who has felt no wounds. Yet I would contend that I have seen, though from a distance, enough evil to rectify such a projective innocence. As the most senior member (in point of service) on Committee A, the watchdog of academic free-

dom employed by the organized profession, I have sustained a long acquaintance with the seamy side of academic life. Colleges that authorize beliefs and departments of instruction that brook no schismatics appear on the dockets placed before me. Legislators imposing loyalty oaths on teachers and speaker bans on students, governing boards dismissing Communist Party members and teachers who will not say whether they are Communist Party members, administrators who equate loyalty to Alma Mater with obsequious submission to themselves, presidents who let professors speak their minds provided they ruffle no paying public—I know this gentry and I do not count them friends. Still, after calculating the persistent frequency of crimes and the seemingly endless supply of rogues, I emerge impressed with the scrupulousnesses that can be credited to the spread of the neutral norm. In the private institutions, the last fifty years seem to have brought about a transvaluation of managerial values. No one would claim that the enlightenment of private trustees is complete, but it is a measure of how well they have been taught that these unrepresentatively rich, elderly, and Tory elements should suffer faculties of abnormally "left" persuasions, especially in the social scientific fields. No one would claim that the writ of the private benefactor never runs, but it is remarkable how rare now are the proferred chairs and prizes that carry ideological conditions, how seldom are heard the platitudes of purchase and possession that used to accompany major gifts. No one would claim that the college as an extension of the church is dead, but it is noteworthy that the trend among Protestant institutions has for a long time been dissociative and that the trend among Catholic institutions has of late been laic and ecumenical. In the public sector the winds of change are much more variable, and gusts of political intrusion may rise up at any time. But the widespread recision of statutes requiring teachers to expose their associations or disclaim subversive beliefs, the lower incidence of academic purges when control of the statehouses changes hands,

the elaboration of procedural protections against arbitrary administrative or regential actions, all suggest that even here the prevailing breezes have been in neutralist directions.

It goes without saying that the increase in the quantum of decent tolerance is not wholly attributable to Lovejoy's pleas. Changes in constitutional law, which have extended rights guaranteed citizens against the state to academic teachers against the public employer, have done much to eliminate vaguely-worded loyalty oaths, limit informational disclosures, inhibit dismissals (and expulsions) without due process of some sort. Changes in the pattern of philanthropy, which have given prominence to the bureaucratic forms, have done much to tame the old aggressiveness of large-scale private generosity. Changes in academic operations, which have confronted the governors with issues too complex to be solved by intermittent scrutiny, the president with constituencies too diverse to be easily led or overridden, have lent a laxness to administration that may look like principled restraint. Nevertheless, in creating a climate of opinion favorable to these developments, and allowing the forces of freedom to wage their battles on stronger terms, Lovejoy's dicta have been influential. It seems safe to assume that many more leaders of the academy would be policing this generation's thoughts if they did not believe they were the next generation's keepers; that many more would install a creed by prior restraint—or declare an orthodoxy *ex post facto*—if they did not believe that a college, by definition, was a place for veridic free-for-alls. And, often, even when they do *not* believe this, they believe others significant to them *do* believe it, and so they practice circumspection to protect the quality of their recruitment or avoid professional reproof.

I retract none of the cheerfulness of the foregoing when I go on to say that the Lovejoy formula has become, in some respects, inadequate as a guide to the making of current policies. I do not mean that it is wrong-minded, or has grown dispensable. All ideas

lose some of their congruence with reality as they grow old and as their initial frame of reference changes; it would have been surprising if nothing had happened in the last fifty years to put these ideas, and the system they apply to, somewhat out of touch.

In this space I will call attention to two discrepancies that have developed between theory and milieu, two evidences of what one might characterize as culture lag. The first concerns a decline in *institutional dependence*: the effect of this is to heighten the possibility that ideological commitments, avoided locally, may be imposed on the academy from an outer source. The second concerns the *diversification of institutional functions*: the effect of this is to heighten the possibility that the discriminatory use of resources, and not just the partisan use of speech, may compromise the neutrality of the university. Together, these two developments of the last half-century make institutional neutrality not less necessary and desirable, but much more difficult to attain by automatic applications of the older code.

By "decline of institutional independence" I mean that there has been a flow of decisional authority from on-campus governmental bodies to various regulatory, coordinative, and supporting groups outside. That this outflow of authority has been considerable may be gleaned from the following brief examples.

Fifty years ago, most of the colleges and universities of this country were located in sequestered regions, either on the outskirts of major cities or in the pastoral settings of college towns. When they sought to expand their boundaries, they had only to consider the funds available and the cost-per-acre and the prospects of their own internal growth. Today, almost every major university and a good many of the country's colleges find themselves engulfed by the central city and neighbors to masses of the urban poor. Now what they wish to do in the way of land use becomes intermeshed with the complexities of race relations, urban renewal, and the politics of city hall. Fifty years ago, administrations had almost

extra-territorial control over the students resident in their domains. Today, the judgments of admissions officers are subordinated to legislative judgments concerning civil rights, the judgments of disciplining deans are subject to federal judicial review, and the judgments of civil policemen replace all others when students periodically break the peace. Fifty years ago, only two states had set up superordinate mechanisms to coordinate their academic institutions. Today, only nine states let their state university, land-grant colleges, teachers colleges, go their separate ways. In the most integrated of the state-wide systems, the off-campus center of control may make decisions on everything from capital investment to tuition-fee levels, from entrance requirements to degree capacities; while the local board or administration, like the branch office of a corporation, is left in large part to decide how these decisions should be carried out. Last on this partial list, but hardly least, fifty years ago the federal government had scant involvement with the affairs and fortunes of academe. Academic research was on the Edison, not the Brookhaven, scale of costs and could be financed by the institution's internal budget. Academic manpower was not needed by a nation with a miniscule army and a safe frontier. The federal interest in education, presumably constrained by the Constitution's Tenth Amendment, was contained in a lowly Bureau of Education, whose primary task was to get statistics. The federal interest in (nonagricultural) science, which was at that time quite considerable, was satisfied by governmental agencies like the Naval Observatory and the Geological Survey. Today, and this is what makes the Lovejoy period seem so antique, the central state is an immense academic force. Harnessed almost without limit for a world struggle apparently without end, it lays a levy on the brains of the university and conscripts the bodies of its young men. Richer than any other benefactor by virtue of the federal income tax resource, it supplies an important percentage of the dollars needed to operate universities. Unraveling this

intricate new relationship would take more space than a brief review allows for. Suffice it to say that the advent of this Behemoth has had an enormous de-autonomizing effect, even when it uses agencies that are not explicitly mission-oriented and gives support to sciences that are not necrophiliac in aim.

The second change, the diversification of institutional functions, presents an old story with some new turns. Anyone who thinks that the sole functions of the American university are to teach and conduct research has not been looking very closely at that institution. These functions, to be sure, do consume the larger part of its yearly budget and do offer evidences of merit for which its members are tenure-rated and nominated for high rewards. But they head rather than exhaust the list of what an institution of higher learning spends its wealth to do. Under the rubrics of "auxiliary," "supporting," and "public" services fall a variety of activities that are at most peripheral to research and teaching, and yet significantly expensive to the academic firm. At Columbia University (to cite a close but by no means extreme example), the variety of perimetric services offered to populaces on and off the campus is not unlike that provided by the surrounding city. For insiders, the University serves as landlord (several hundred faculty members live in University-owned apartment houses), hotelkeeper (several thousand students live in the campus residence halls and dormitories), restauranteur (five eating places—none, alas, of Michelin quality), sports and theatrical promoter (with bookings that would not seem inconsiderable even to a downtown impresario), publisher (of student newspapers, several house organs, and that annual confection called the catalogue), commercial and investment banker (mortgage and tuition loans, and a very large securities portfolio). It runs or licenses the running of an infirmary, a laundry, a placement bureau, a travel agency, a religious center; it takes on the duties of a wedding caterer, a pall bearer, an organizer of graduating rites of passage—these to

celebrate its affectionate and solemn moments; it takes on the duties of campus policeman, prosecutor, judge and jury—these to cope with the furors it also knows.

In dealing with outsiders, the University is somewhat less generous but hardly less multiform. Some of the things it does for others grow out of its didactic commitments: it sends forth law students to work for the Legal Aid Society, young social workers to gain experience in the field. Some of these things grow out of its utilitarian approach to knowledge: it allows its professors time enough to serve as advisors to private and public agencies. And some of the things it does for others are by-products of what it chooses to do for its own: thus, having entered the placement business, it acts in the interest of the would-be hirer no less than in the interest of the would-be worker; having entered the housing business, it must supply for all statutory tenants, and not just those connected with the University, the various amenities prescribed by law. But much of what it does for others is simply superadded to its other tasks. The Columbia Medical School takes over and administers a city hospital. The Columbia Physical Education Department mans a city playground in a nearby park. The Columbia Urban Center subsidizes a number of community improvement projects. In the summer, Columbia plays host to high school students in need of encouragement and remediation. Throughout the year, it operates a number of day care centers for the children of neighborhood parents who must work. And—until recently—Columbia managed several federal contract research centers, serving as a kind of holding company for governmentally-supported and defined research.

Some of this multiplexity was already known to the Columbia—and to the Michigan and Wisconsin—of 1915. Combining the old English collegiate system with new graduate schools on the German plan, and nurtured by large draughts of public and philanthropic funds, the major universities of this period had already committed

themselves not only to teach a multitude but to house, feed, and amuse it as well. Nor were extramural services foreign to that era. The land-grant movement had already established the basic principle that academic research should have mundane meanings and that academic instruction should be closely aligned with the world of jobs. The state university movement had already legitimized the use of professors as consultants, had already organized extension education, had already portrayed the campus as a reservoir of socially-available expertise. And yet there are important differences between the academic diversities of now and then. In part, the difference is one of degree: the modern university has a larger endowment to invest, more students and faculty members to lodge, more resources to place at the disposal of external publics asserting need. In part, the difference is one of kind: it has only been since the last few decades that the university has become an arm of the federal establishment, dispensing its agencies' cash to achieve its agencies' objectives; and it has only been since the decade of the sixties that the university has assumed the duties of a welfare agency, dealing directly with the problem of poverty by accepting the clientage of the poor. These new functions, moreover, have not displaced any of the old ones, so that the passage of time has produced yet another difference—the difference between a university and a multiversity, between service as a concept and a cult.

As received, the Lovejoy formula makes too few allowances for these changed conditions. It assumes that the threat of institutional aggrandizement so far outstrips the threat to institutional independence that the curbing—rather than the strengthening—of local power would be a universal cure. But in a day when nonacademic bodies, often pursuing nonacademic purposes, make academically relevant decisions, other assumptions sound more credible: that the academic institution, lest it succumb to external authority, must assert and protect its own autonomy; that to do

so it may have to oppose decisions, however "political" and "controversial," which it finds inimical to its interests; that, in such cases, quietude, not outspokenness, would mark the betrayal of its social trust.

Similarly, the inherited wisdom presupposes that the university falls from neutral grace mainly by stating opinions or by punishing members who state opinions, and that the most convincing sign of its redemption is the adoption of a policy of benign neglect. But the advent of the all-purpose university creates concern about subtle unneutralities that do not apply primarily to research and teaching and are not remedied by official self-restraint. The more the institution offers benefits to outsiders, the more it becomes vulnerable to the argument that its maldistribution of favors—more to this needy claimant than to that one, more to the higher bidder than to the better cause—constitutes a breach against neutrality. The more the institution accumulates diverse functions, the more it becomes subject to the charge of selective bias whenever it chooses *not* to do something, however distant from its core concerns that may be. And the more the institution allocates resources to ends remote from its chief vocation, the less it is able to take neutral refuge in a policy of intellectual laissez-faire.

Plainly, the inherited doctrine is in some respects out of date. It must be adapted to the contemporary understanding that universities may be partial even when they are not oracular, and that, on some issues, corporate silence may simply mean weak consent. But we must be careful not to confuse a revision of this doctrine with a rejection of it, and not to push out so from the confines of 1915 that the very ideal of neutrality is renounced. Let me be clear, then, on what is *not* intended by the view that new realities require more realistic and more resilient guides. It does *not* argue that all nonaction is a form of action, that in the world of unequally balanced forces to be neutral is to be neutral against the weaker side. That would be now, as it has always been, a sophistry that

defeats morality and common sense. It is an inadmissible form of moral absolutism to be told that one must be for something or against it ("must be part of the problem or of the solution"), as though the remoteness of the issue did not matter (must one be for the Iraqi or for the Kurds?), as though third-party roles were pernicious (is a world bereft of mediators a better one?), as though there are no innocent positions (were there no innocent spectators at Kent State?). Nor does the new awareness argue that the university, because it is less neutral than it says it is, should become openly and frankly unneutral, an avowed and unhesitant champion of any cause it considers right. For reasons that were stated long ago and that have never lost their validity or persuasiveness, academic neutrality is still an academic goal worth seeking; and it would not more follow that it should be surrendered as an aim because it has fallen short in the observance than it would follow that peace should cease to be object of foreign policy because war so often occurs. (This is not to say, of course, that neutrality should be argued disingenuously. It is to prevent this that we must refurbish the imparted doctrine which, insofar as it misrepresents reality, allows a firm with the look of a public agency to affect the innocence of a simple school.) Least of all do the dangers here alluded to—the danger that the academy will be subordinated to external powers, the danger that the academy will be unfair—override the traditional concern for freedom. It is the task of the civilized man to uphold not one, but several values; not autonomy *or* freedom, but autonomy *and* freedom; not social justice at any price, but social justice and other goods besides.

A greedy desire in these troubled times? For myself, I would not deny that there may come a moment of emergency—e.g., the nation on the threshold of dictatorship—when one value—e.g., setting the political world aright—must be permitted to trump the rest. When such a moment comes, I would, if necessary, bid farewell to the Lovejoyful hope that over the mind there shall be no

collective direction; that men shall dispute one another more securely because no one of them shall represent an official line; that classrooms shall be safe from eavesdroppers and published works from censors, and personal privacy shall be protected, even from parties of humanity, even from zealots of good works. But I would not give up these values a moment before that dire moment, and even then I would do so as a last resort

Between the adoption of an *in extremis* standard (which even in my most apocalyptic humors I doubt these times are extreme enough to warrant) and an unswerving loyalty to the pristine code (which the times, as I have indicated, have somewhat transcended), there lies a *via media:* the construction of analytic distinctions that would tell us what issues of public concern the corporate university may pronounce upon, and what corporate behaviors, apart from pronouncements, do and do not violate the neutral norm. A middle way does not imply repeated compromise: in this, as in other interpretive ventures into civil liberties, there must be room for categorical forbiddances. In the first instance, the distinctions may be quite general (though a lawyer-like reading of specific cases to flesh out the meaning of abstractions could usefully follow close upon). And this effort—to set forth criteria for judgment—should be succeeded or accompanied by another effort—to resolve the procedural issue, to answer the tantalizing question of who shall judge.

In this space, I shall be able to suggest only the general character of the distinctions needed. Apropos of services provided on the campus and the corporate restraints that should attach thereto, it might be useful to differentiate between facilities that cater to convenience (to janitorial, gustatory, hygienic, and other comforts) and those that minister to learning (classrooms, laboratories, and libraries clearly, but also the varied auditoriums that supply the setting for extracurricular- and self-instruction). Of the

latter, it might be said that they require the restraints of the Lovejoy canon—no screening of the visiting speaker, no use of corporate indexes or imprimaturs, no intrusive administrative patrol. While they may not be left completely to their own devices (there may be need for uniform rules concerning orderly use and safe assembly) and may have to conform to cautions set by law (such as the payment of user fees to insure the institution's tax-exemption), they may be said to fall within the ambit of the conventional neutral norm.

Facilities that subserve convenience, however, may be suitably governed by a different standard. It would hardly make sense to say that the institution may not check on the performance of the campus laundry, that it must grant a license to every caterer, that it must be open to every vendor who wishes to ply his trade. It would not even make sense to say that it may not supervise and exclude the vendors of printed matter—e.g., dorm-to-dorm booksellers and magazine salesmen. Immunities that apply to those who impart ideas do not necessarily apply to those who impart ideas for profit. Such activities, one might say, fall properly under a *norm of regulation,* which differs from the norm of neutrality precisely in the amount of corporate interference it not only justifies but enjoins. The power to regulate can, of course, be abused. A university may award its franchises in a capricious manner. It may set ideological conditions that would offend basic concepts of free speech. But these are not the inevitable concomitants of regulation. Just as a regulatory commission is required to apply general rules to specific cases, so may the regulating university. Just as a public licensing authority is forbidden to exert prior restraint on speech, so may the licensing university. Thus, the university may be permitted to admit or exclude a commercial laundry, but only in accord with formal standards of performance. It may be permitted to banish a charter-flight com-

pany because its aircraft are unsafe, but it may be forbidden to do so because it dislikes the politics of its officers and wishes to prevent students from traveling to certain lands.

All this may be fairly obvious: the difficult problems enter at the borderline of this distinction. For years, campuses have been wracked by the question of whether outside recruiters should be granted open access to the university. Most institutions took the position that the recruiter, because he may represent a firm or agency that promotes controversial public policies, is in the class of the visiting speaker and should be admitted without check. Applying the norm of neutrality, they were compelled, in the face of student protests, to muster large constabularies to protect these persons and to gird themselves for fresh disturbances as each interview day approached. That it is necessary to protect campus visitors from hostile crowds is not debatable. The debatable issue is whether the functions of a placement office should be exempt from campus regulation. It may be true that the commercial recruiters were really spokesmen for pro-war policies and that military recruiters came less to sign up soldiers than to show the flag. But to the extent that this was true and their ulterior purpose was to express opinions, their proper place would have been the meeting-hall and forum, where their right to free expression would have been clear. By repairing to the recruitment booth, where they asked for no more than the right to find hands for jobs, they might be said to have lost some of that privilege and immunity. No value other than convenience is served by extending the marketplace to the campus. The power to control such accommodations might well be thought to rest with the institution. Instead of invoking the principle of "come one, come all," it might well have regulated access by inquiring into each applicant's *bona fides* (does he intend to recruit or just to advertise?) and by raising prudential considerations (do interviews held under these conditions serve a worthy purpose? are alternative arrangements available at lesser cost?).

Difficult as a regulation might have been, it might have been less troublesome than the policy adopted—to fling wide the doors and accept the consequences. Neutrality need not be so dearly bought that every form of inner commerce must be granted the status of instructive speech.

It is one of the commonplaces of institutional apologetics that economic rationality ensures distributive neutrality. Against the charge that it does not do enough for the urban ghetto, the institution will reply that it has done as much as it can afford and that if it tried to do more it would go bankrupt. To the request that it join with other stockholders to make corporations socially more responsible, it will reply that it has no option but to maximize its investments and vote with the more profit-minded side. To the complaint that it cuts back services to the charity client first and the paying client last, it will reply that its deficits, not its prejudices, ordain selection. No one close to the academic scene could say that its stringencies are feigned or that these arguments are invented. Even in affluent decades, the academic sector never received enough of the social product to finance its unlimited ambitions; today, with shrinking resources, it must let even more of its aims go unpaid. Nor is it sensible to maintain that an institution must be even-handed even at the expense of its own survival, that it must make neutrality an argument for self-destruction. Least of all does it follow that neutrality cannot exist unless every competing claim is satisfied. To say that is as much to say that freedom of press cannot exist unless everyone is supplied with funds to run a newspaper, and *that* is as much to say that there can never be freedom of the press, for there can never be a sufficiency of resources. And yet—all this conceded—there is reason to be uncomfortable with the proposition that decisions of this sort are disinfected by fiscal needs. Budgets are not automatic responses to an inescapable giveness; they are the numerical expressions of men's interests, hopes, and prejudices operating within a relatively broad or narrow set of

resource constraints. Very seldom is "I can do no other" a phrase the budget-maker is entitled to; most often, words like "exigency" and "recession" mask the large province that is left to will. As long as options do remain, even in pressing circumstances, there will always be something disingenuous about giving the fact of scarcity neutral force.

Those who think of neutrality as a moral status too precious to be risked by dissimulation may think it better to acknowledge frankly that all decisions about resources are political—that they are partisan outcomes of power contests. But others, similarly concerned, may not wish to abandon quite so quickly all hope of defining neutral policies based on the urgencies of the purse. Some of them may try to do this by delegitimizing all generosities that bear little or no relation to research and teaching. In this current moment of retrenchment, this may not seem a utopian proposal, but the likelihood of contracting academic purposes to the point where every external service would become *ultra vires* cannot be reckoned very great, while there would be a good chance that any partial effort would serve simply to keep latecomers from the trough. Perhaps there is more to be gained by taking another tack —e.g., by regarding neutrality as an option that exists early but not late in a given chain of circumstances. A university purchases stock in an automobile company; a minority faction, seeking to make management more responsive to society's interest in safety and a clean environment, asks the university for its proxy vote. May the university, at this point, argue that unless it uses its resources rationally—which is to say, ensures their quickest growth and highest profit—it would compromise its neutrality? A reasonable answer might be that it is neutral to choose the most profitable investment but not the most profitable social policy, once the investment had been made; that after a time an economic action loses the protective coloration of its motive and acquires responsibility for its consequences; that the time had come in this case when

a normative choice could not be escaped. A parallel distinction, applied to spending, might hold that a university could cite the state of its exchequer as a neutral reason for not assuming a new venture. But it could not thus justify a decision to refuse to give aid to certain claimants once that line had been opened up. Money speaks neutrally only to a virgin issue.

Finally, to turn from the question of resources to the question of pronouncements, a number of distinctions might be developed to help the institution speak when it really must. One of these might be called the criterion of the *freedom cost*. All corporate decisions by a university are to some degree coercive, but some are more coercive than others, and all can be ordered in a hierarchy in which coerciveness and admissibility are inversely correlated. Thus, a decision to facilitate a peace moratorium by remitting the requirements for attendance would involve less duress and be more legitimate than a decision to close the university, and both would be preferable to a decision to keep the university open but hear only from the protagonists of one side.

Most of all, the modern university needs to evolve a standard of *gratuitousness*, some ways of distinguishing between issues that are marginal to its interests and issues that are central to its interests, some way of distinguishing between essentially political questions that may have academic implications (which it would engage at great moral peril) and essentially academic questions that may have political implications (which it must engage to save its soul). A concrete example may reveal the necessity, as well as the difficulty, of such a course. Some time ago, the Selective Service Administration decreed that college students would be deferred from military service if they achieved a certain academic class standing or passed a standardized test. In this fashion, it undertook to classify a deferrable population not by status (all college students) but rather by status and performance (all *good* college students) and it fixed the definition of "good." To appreci-

ate the implications of this procedure one need only ask what the consequences would have been if the same authority had decided to defer not *all* women but only *good* women; not *all* fathers but only *good* fathers; not *all* workers in essential industries but only *good* workers in essential industries. If one concedes that such legal classifications would have been harmful to the institutions they refer to, one cannot doubt that in academic, no less than in conjugal, parental and economic circumstances, freedom and vitality are threatened when virtue is not in its own but the state's reward. On such an issue, it seems to me, the academy has an unquestionable right to take a corporate position. As it happened, however, many leaders of the academy did question this right, arguing that collective resistance would have had political implications and would have infringed the requirement of neutrality. But this was to lose sight of the distinction that a standard of gratuitousness imposes. An official expression of opinion on the war, or on conscription as such, would have been directly political and thus categorically out-of-bounds (though such issues do have academic bearings); an official defense of the integrity of the grading process would have been directly academic and only collaterally political and thus would fall in the permissioned zone. Of course issues do not come labeled with their proper categories; of course the boundary between "direct" and "indirect" is not always clear; of course difficult cases will make hard law. But this is not the only area of life where, in the interest of preserving plural values, men will multiply jurisdictions and put themselves to hairpoint judgments: take the jurisdictional complexities created by our federal Constitution and the "direct-indirect" dichotomy involved in the interpretation of the commerce clause. A university not willing to make these distinctions may well wind up making no distinctions and thus relinquish forever the possibility of retaining any distinctiveness at all.

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# THE SOCIALLY INVOLVED UNIVERSITY

Most scholars joining the faculties of American colleges and universities in this century have wanted and could expect academic freedom for themselves and their colleagues. Formal systems of granting tenure after a probationary period, with the accompanying rights of due process, have been established to safeguard such freedom from abuse by the institution itself and from attack by outside forces. Institutional neutrality, practiced by most colleges and universities, have looked to the same ends: to shield the right of the individual to dissent from orthodoxies.

Like most generalizations about higher education, such assertions bring to mind a flood of exceptions. Nevertheless, these three ideas—academic freedom, tenure of employment, and institutional neutrality—have had great influence on the internal management and external relations of academic institutions. They have been widely accepted and ardently defended. Their effect has been normative and powerful.

All three concepts are now under attack. The noted formulations of academic freedom are alleged to be deficient in under-emphasizing the need for faculty responsibility, individually and collectively. Some professors are viewed as having engaged in irresponsible, even outrageous, conduct, usually in combination with student militancy and disruption. The faculties in which they hold their membership are said to be lax in judging such behavior and in defining the appropriate and tolerable boundaries for dissent.

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The system of tenure is under review on the grounds that it provides safe haven not only for the disruptive and violent, but also for the weak, the lazy, the incompetent, and the obsolescent. It is charged that procedural difficulty of removal for cause, deliberately created to forestall unfair dismissal of individuals who "think otherwise," makes the price paid for the justifiable safeguards of tenure much too high. A question under serious study is whether sufficient guarantees of academic freedom can be constructed without reliance upon tenure. That such an answer can be found remains doubtful, but a responsible attempt to do so is legitimate.

In some quarters the attacks upon academic freedom and tenure are accompanied by the desire to impair the autonomy of the university. But reducing the power of the institution to govern itself is quite different from modifying its traditional stance of noncommitment to partisanship or ideological orthodoxy. Indeed, many who would weaken the university's autonomy would want it to be as neutral as possible, and without influence on social, political, and economic issues.

Yet, the validity of institutional neutrality *is* being challenged in other quarters and for other reasons.

Activists enlisted under various banners of societal reform argue that the neutrality claimed and practiced by the university amounts to a form of protective conservation of the *status quo*. Since, in their view, true neutrality on almost any issue of social, political, and economic consequence is impossible, the university may not remain silent but has an obligation to assume an active role in the achievement of desirable change. To this group, commitment and action are moral; restraint and silence are immoral.

Others hold that, while neutrality is normally justifiable and proper, a particular issue, such as the malignancy of United States involvement in Vietnam, may be of such overriding importance as to affect the very foundations of our society: then neither indi-

viduals nor institutions can afford the luxury of detachment, and they must speak out.

It is also maintained that the concept is simply no longer applicable in the construction of wise policy or as a practical guide for institutional decision-making. Inextricably bound up with the community, with the state, and with federal agencies, the modern university's influence on social and political events is undeniable. What decisions the university makes and how it allocates its resources may be more or less responsible and farsighted, but such actions all involve some degree of commitment. Therefore, defending particular decisions on the justification that by one choice the university avoids an institutional orthodoxy, and by another choice would be entrapped in it, may no longer be possible.

A fourth line of reasoning, which calls for more extended analysis, suggests that sweeping changes in the very nature and organization of the university have destroyed the theoretical foundation for institutional neutrality. It can be argued that if, indeed, the concept of institutional neutrality ever had full validity, it most nearly approached that ideal state for an independent college or university

— separated from any church control or essential tie

— operating on a single campus, preferably in a "college town"

— financially dependent only on funds derived from its own endowment, its own students, and other private nongovernmental donor individuals and agencies

— in its corporate capacity under the governance of trustees wholly self-perpetuating or modified only with specific representation from natural constituences

— with the president in an unquestioned dual role as chief executive officer of the university corporation and as presiding officer of the faculty

— having untroubled charge of its own admission of students from among an elite group of applicants the large majority of whom could pay their own way
— with a stable or only slowly changing curriculum, grading standards, and requirements for graduation all in firm charge of its faculty
— with, at most, only small dependency for the support of research on external funds, and these provided from impeccable and unquestioned sources, and
— with only few and simple service activities flowing from campus to city and state.

An autonomous institution in these circumstances was in a position to extend its shielding neutrality over the academic freedom of its members. The several estates within its walls, having clear and stable expectations of each other, could understand the reinforcing nature of these ideas and how each was affected by them. A consistent set of shared values about the nature of the institution, the appropriate functioning of its several components, and their relationships to external forces and demands could be transmitted to new arrivals on the faculty and to succeeding generations of students.

Through the Second World War and even somewhat beyond, such private, autonomous colleges and universities served as models emulated by other private and public institutions, or at least by their faculties. They were, in addition, enrolling a very large fraction of undergraduate and graduate students in the nation, especially in the Northeast but also in the South and Middle West. In that setting a general and common set of norms and standards for good practice, including academic freedom protected by tenure systems and shielded by institutional noncommitment to any orthodoxy, was both possible and likely.

But over the past two decades, as we know, the nature, structures, and sizes of American colleges and universities have changed

radically. The linkages of private institutions with the external society have multiplied; older, simpler, well-ordered relationships and mutually held assumptions and expectations have altered almost beyond recognition. The private college and university are still important, as measured against almost any standard, but their usefulness as general models for the rest of higher education has declined.

Instrumental in the changes, of course, has been the upward surge of student enrollments, attributable to the rise in popular demand for higher education, a larger percentage of the age group going to college, and the pressing need to open opportunities to minorities which, if not absolutely excluded earlier, had been grossly underrepresented. With burgeoning enrollments have come an astonishing increase in the number of colleges and universities, including especially the two-year community colleges; a heavy shift of enrollments into the tax-supported institutions relative to the private colleges and universities; the employment of large numbers of new faculty and other professional personnel, with heterogeneous backgrounds and diverse intellectual preoccupations; and an extension of the range and variety of acceptable curricula. In some areas the rate of institutional growth has been nothing short of phenomenal: almost instant campuses for thousands of students have been constructed where yesterday there were empty fields. Population movement toward urban centers has been followed by rapid expansion of existing urban institutions and the creation of new ones.

Important changes, moreover, have been introduced into this struggling, expanding mass of institutions by the demands of our technological society for greater professionalization and specialization. Research in the sciences, mathematics, and medicine, and the development of new technologies, have yielded rich harvests of knowledge—as well as created new conditions for relationships among men, between the individual and society, and between man

and his environment. The dependency of business, industry, and government upon sophisticated expertise has increased, and one of the centers of such accumulated knowledge, the university, has been called on for new services and commitments and for new kinds and degrees of involvement with the society.

The university, and universities in combination, thus have come to operate massive laboratories, observatories, cyclotrons, accelerators, research-oriented hospitals, ocean-going ships, giant computers with remote terminals, educational radio and television stations, and rapidly growing research libraries. Professional personnel not holding faculty appointment but engaged in research, in service activities, in the operation of facilities and equipment, or in administration may number more than the faculty on a given campus or at several locations under university management. Faculty members themselves may engage in full-time research or teach only a handful of already specialized graduate students. Their loyalty, it is claimed, has shifted from their own campus and its value structures to their professional societies; and they look largely to their external peers for judgment, guidance, and acclaim.

It would seem clear that the unitary, self-contained, self-governing, simply structured university with a cohesive faculty, an administration but little bureaucratized, and at most a few thousand students, bears little relation to the complexities of the very large university in a single city, the wide-ranging multi-campus university, or a whole system of institutions that exist today. In today's university, layers of specialists, staff officers, executives, and advisory and governing boards, as well as presidents, may be involved in the determination of stated policy, the administration of programs, the supervision of finance, and the implementation of new plans. Students may be admitted according to criteria and standards chosen and administered in a central office; student counselors, psychologists, and psychiatrists may have more to say

than a faculty committee about the retention or readmission of particular students.

The securing of financial aid for the college or university, for the faculty, and for the students has changed in similarly complex ways. Few institutions can operate today without constant reference to the availability of financial aid; and virtually all universities and many colleges now survive on varying monetary diets which include compounds of categorical and restricted grants, contracts, and subsidies from many levels of government as well as both specified and unrestricted grants from private sources. If the specialized faculty member has diluted his loyalty to his own campus, so too have the project research grant from a federal agency, the consulting fees from business corporations, and the research contract with an industry reduced his dependence on the traditional modes and sources of university finance. The student in the public college who is a resident of the state is subsidized in some measure and pays one set of fees; the nonresident is subsidized less and pays higher fees. The student in a given private college is less than fifty percent likely to pay the full price set by the institution (in most places well below full cost anyway). And all three of these students may be using federal or state scholarships, loans guaranteed by one or another external agency, grants-in-aid or loans from the university itself, or work-study funds.

If this is the shape of things as they are and of future realism, the effectiveness of what has been regarded as a critically important shield for academic freedom—institutional neutrality—may have been reduced or even destroyed. In the modern university world, then, can benchmarks be developed by which institutional decision-making and policy formulations may be reliably measured? Can it be made clear who may commit the university to action or hold it free of commitment?

Perhaps no valid theory can be constructed that takes into account all cases. Still, it may be that one can place considerable

reliance on a set of discrete propositions, each of limited applicability but together constituting a general guideline for present use.

First of all, it remains essential for the university to protect the academic freedom of the individual faculty member—in his search for truth through scholarship, in his classroom teaching, in his other relationships as teacher with students, in his extramural utterances of personal opinion, and in his other lawful activities as a citizen. He should be protected by the weight of institutional authority and through established safeguards, procedural rights, and due process against the use of arbitrary and capricious power, both from outside and from inside the academic community. He must not be subject to the thumbscrew of the true believer, whether the latter takes the form of public official, corporate or individual donor, a group of ideologically committed students, or the generality of his fellow faculty members who may (misguidedly or not) take a majority vote in favor of one side of a general social or political issue. The threats to a professor's academic freedom in all of these guises are active and real; and the university, in its relationship to him, may well have need of "more Lovejoy, not less."[1]

Such a posture, while a vital and necessary one, may not provide obvious or sufficient guides to legitimate decisions for the university in all of the relationships it may have with, or influences it may have over, the individual faculty member. While enjoying protection for his academic freedom, it does not follow that an individual will exercise that freedom responsibly. Liberty may become license. The expression of dissent may proceed in legitimate and peaceful ways, or it may take disruptive, forcible, and even violent forms. A university appointment is no warranty of wisdom, and like other human beings (including trustees and presidents!) a professor can be "several kinds of a durn fool." In

[1] See accompanying essay, "Institutional Neutrality," by Walter P. Metzger.

the end, human judgments will prevail, for nothing else is available, and men will differ as to the degree of wisdom applied and justice secured.

Official actions and policies of the university appear to bear most heavily upon the individual's academic freedom in connection with his research when it requires external financing. If the research which he intends to conduct requires the expenditure of supporting funds for which the university is conduit and fiscal agent, the university must decide, one way or the other, whether it will accept the funds and the accompanying accountability and responsibility. It is therefore the co-determiner with the professor of what research he can and will undertake.

Theoretically, troublesome and complicated cases may develop, but in fact seldom do, when the sources of such funds are essentially internal (such as endowment income) or, if external, are relatively unrestricted as to allocation and application and are noncontroversial in other respects. An example of the latter might be a subvention of state or federal tax funds, under broadly stated terms, for the chemical analysis of effluents polluting lake waters.

The difficulties are more likely in the case of subsidies, grants, or contracts with narrow terms of reference for controversial purposes; from sources that in themselves evoke controversy or that have allegedly dubious motives; or when the research may entail suspected by-products of doubtful to negative value.

General rules for university policy and action which would differentially lead to positive cooperation on a research grant in one case, permissiveness in another, and negation in a third are, of course, extraordinarily difficult to postulate. The following points are more exemplary than definitive:

(1) Do the purposes and terms of the grant or contract permit open disclosure of the results, full description of the conditions imposed and methods of research used, and public accounting of

the funds applied? It is dubious that the university is a proper center for the conduct of investigations of a cloaked or hidden nature on behalf of the Central Intelligence Agency. Nor is the university a proper contractor for social science analysis in a foreign country when the information derived is intended to give special advantage to that country's current government or to our own.

(2) Is the research militarily classified? Beyond the question of disclosure, which often has not been a sufficient test in itself, lies the concern for the atmosphere and environment within which research and the other normal activities of the university will be conducted. If some research is classified, not only is the physical plant divided with specified areas closed to access and others open, but individuals are necessarily categorized on arbitrary and exceptional grounds quite apart from those which have qualified them for their membership in the academic community. The burden of proof should rest heavily on a showing of necessity for the university to be thus involved or constrained.

(3) Are the scale and magnitude of the research out of proportion to the central purpose and activities of the university? The sponsored research activity may be so massive or so demanding of attention that the tail wags the dog. This may bring into question the integrity of the university *qua* university and may impede the pursuit of its main missions of teaching, learning, and scholarship.

(4) How free is the researcher to make his own design and choose his own techniques? If the researcher is required or is in more subtle ways induced to submit to degrees of control because of the nature of the work, the external specification of methods to be employed, or constraints upon the sponsoring agency itself, then, again, the integrity of the researcher and of the university may be at issue.

(5) Does the process of investigation and associated activities extend from basic through applied research to development, to the design of prototype working models, even to manufacture and production? The fewest uncertainties arise at one end of this spectrum: basic research. The farther one moves along, the heavier the burden of proof for justifying the university as the appropriate *situs*. But decision and choice are not simple and automatic. A given university might reasonably decide, on the one hand, that a particular project in the medical school should not stop short of prototype design and field trial of prosthetic devices. Yet it might also decide, on the other hand, that continuing to an analogous stage in a hydraulics engineering project involving, say, an improved type of water pump, would be inappropriate or undesirable either in itself or as improper, tax-sheltered competition with the profit-making world.

(6) Is there reason to refuse to accept research funds because of the source? Controversy, for example, surrounds the role of the Department of Defense in financing basic research. Indeed, the controversy swirls in this case at both ends of the street. The "Mansfield Amendment" questioned in a powerfully instrumental way whether such a role was proper for military agencies. On campus there are some who would condemn any research project, however basic and remote from direct or potential military application, if it is financed by the Department of Defense. Others find this a weak, unsatisfactory, or wholly improper distinction to make, for they believe that basic psycho-acoustical research when funded by the Navy is as respectable a university activity as the same research when funded by the National Institutes of Health.

(7) Is it possible that the *use* of a product or system or structured set of ideas which will be developed or discovered or formulated through the research project will be socially harmful or destructive or be so subject to ready abuse and misuse as to have those effects?

Particular restraint and thoughtful care should doubtless be exercised in reaching any such judgment, as a ground for inhibiting or closing off investigations by free men, in the face of the powerful claim upon the university for the advancement of knowledge. To say, however, that such a judgment can never be reached is to say too much.

(8) Is there any possibility of psychological damage or physical harm to the human subjects of the research, the researchers themselves, or the surrounding community? It would be unreasonable for the university to delegate wholly its responsibility in these regards to the individual researcher. One recourse it has is to seek the best available disinterested professional opinion.

One comes at last to the question: Are there certain substantive types of research which should be barred from the university? Assume there is full disclosure. Assume that the work is unclassified, the research environment undivided, research personnel uncategorized. Is there nevertheless, in the face of those assumptions, a research topic that is out of bounds?

Useful examples are not readily at hand. One might be a piece of research on a topic which the individual's qualified colleagues judged to be trivial, petty, or silly. This might be a ground for negative university action if it could be separated from the alternative judgment that the individual's insistence upon doing it was in itself evidence of professional incompetence. If the latter, the university's obligation to cooperate with him, because of academic freedom, is reduced and perhaps removed altogether. If he is held to be qualified, however, alleged triviality might well be a quagmire of unclear principle as a basis for university decision.

Other examples causing future debate may well arise because of the new potentiality of biological research to create or to control human life. The moral issues are already troublesome. Even so, given the stated assumptions (full disclosure, etc.), the univer-

sity's taking negative action on the ground that the substantive topic is beyond the pale, would appear to be accepting or espousing—and then imposing on the individual—an official orthodoxy. If and when such a case occurs, a claim might be made that the university in this instance actually escapes the pitfall of orthodoxy; or it will be said that such orthodoxy in this very special case is justified in the name of "higher" or "larger" principle. These claims should be examined in full light and tested against the weighty values of academic freedom.

Besides its relationships to the individual faculty member, the institution bears a special set of relationships to the collective faculty. It has been argued that "the faculty *is* the university." The faculty is indispensable to the central mission of transmitting knowledge and adding to the store of knowledge. In the long development of the university from its medieval origins, the idea of a body of teacher-scholars, largely if not wholly self-governing and self-perpetuating, with defined rights and privileges, with responsibility for the admission of students and junior scholars and for their progress, has been a persistent concept at the heart of the meaning of a university. There is little question that the faculty has both inherent and explicit powers in the conduct of many aspects of the university's operations.

When therefore the faculty chooses to speak officially—unanimously or by majority vote—the weight of its influence is considerable. In the determination of university policy, faculty opinion may or may not finally prevail, but its expressed views will in any case not be taken lightly by the governing board which has the ultimate authority (if indeed the choice finally is made explicitly at that level. Many policies, as well as accepted practices which in the absence of contradiction carry the force of policy, are made far short of explicit board action or ratification: by campus consensus, by faculty action, by faculty and administration agreement, and so on.).

These traditions and circumstances lead both to serious ambiguity and to important misunderstandings if the faculty decides to take a position on a social or political issue which is not clearly within the university's domain and competence. If a majority of the faculty does so—for example, on the need for withdrawal of United States armed forces from Vietnam—it risks at least three things. It risks creating an understanding in many quarters that "the university" has taken that position. It substitutes the concept of membership in a particular unit, organized and defined for purposes and by procedures unrelated to the issue, for the citizen's responsibilities and obligations held equally by all of its members. And it risks the imposition of a stated ideological orthodoxy on its fellows within the faculty, on students, and on the university community as a whole.

There is, nevertheless, considerable temptation for the collective faculty, and for other defined groups such as the student government, to take an announced position; and this has probably been exacerbated by several trends. One is the demand for "participatory democracy" as a desired mode of university governance. This has been accompanied to some degree by a charge that neither the president nor the governing board is "representative" of the university community, that neither has a "right" (in contrast to the "legalistic" claim of final corporate authority) to speak for the university on a controversial matter within the larger social and political arena. On an issue such as the example given, however, the charge is a straw man. The board is highly unlikely to take any such position and instead is almost certain to hold simply that no other official component of the university should or can properly do so either.

The issues, however, are frequently of another sort, being simultaneously matters of large import to the society beyond the confines of university operations and also to some degree involved with, or influential upon, those operations. As the university's

enrollments have grown, and particularly as its engagement in research and service enterprises has extended its reach into the society at large, its dependence upon complex means of financial support, its need for beneficent public policy, and its points of essential contact and interlinkage with the agencies of government have all increased. The task of attempting to lay down a universal code which would dictate forbearance in one situation and intervention in another is clearly impossible. Yet some principles can perhaps be found, or sets of circumstances generally described, of a nature that justify university action and position-taking with respect to social and political issues, even when the main thrust of the policy choices appears extrinsic to the university's business.

One may hold that the college or university is a corporate citizen in its own larger community and therefore has many of the same responsibilities for the health and welfare of the community organism as are now increasingly being viewed as the obligations of business corporations. One set of proposed local ordinances may, for example, attempt to enlarge the employment rights and opportunities for minorities; another may set forth a plan for guaranteeing green spaces and recreational areas; and a third may aim at improving traffic patterns and controls. The university may support such ordinances, and oppose others, as a responsible corporate citizen, even when they do not bear explicitly on the university's own operations or property. When it does so act, it should not erect, or even seem to erect, any structure of orthodoxy from which its own faculty, staff, or students as citizens would not be free to dissent according to their own best judgment.

The college or university may also take an official position, or deliberately engage in social or political action, with other justifications:

(1) when in its judgment this is necessary to protect, against undue intrusion or threat, its central mission of teaching, learning, and research;

(2) when the issue bears on the nature and integrity of the university itself or on the freedom and authority to determine its own academic procedures and standards;

(3) when its financial support and long-range survival are at stake, as in dealing with the budgetary consequences of various actions by a state legislature or in intervening to exert influence and choice between alternative measures for the federal support of higher education;

(4) when a traditionally practiced and broadly accepted activity of the university is itself called into question, or is threatened, or in new circumstances becomes controversial;

(5) when policies are at issue which will determine the future character or composition or freedom of self-determination of the university, as for example the desegregation of schools; or

(6) when by its posture the university may encourage or even guide those who govern and control our resources to organize them and their use for beneficial environmental effects.

For each instance that could be cited as a broadly justified decision by a university to intervene in the political process, another could perhaps be cited with such peculiar complexities as to make it wise for the institution to refrain, or still another which would offer such narrow and controversial bases for choice that no university involvement could ensue without causing a bitter schism within the academic community itself.

In the final analysis the decisions to act or not to act will be made according to the judgment of individual men and women facing both the constraints and opportunities of particular circumstances. By no means will these decisions always be recommended through orderly and optimal participation by concerned students and faculty and then be taken by a governing board or by a chief executive to whom its powers have been delegated. A variety of

individuals and of groups may be seen by the public as speaking or presuming to speak "for the university." Upon all, given the potential power of influence of the college or university, and given the continuing cogency of the case for avoiding an imposition of institutional orthodoxy upon individual members of the academic community, rests an obligation for rational, dispassionate analysis and open, mutual communication.

JANUARY 1, 1971

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